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The Solicitors' Journal.

LONDON, JUNE 4, 1864.

LORD ST. LEONARDS has before the House of Lords a bill to remedy an obvious defect in the section by which the Divorce and Matrimonial Causes Act of 1857 (20 & 21 Vict. c. 85) provides a protection order for a married woman. The original enactment was due to him. Taking as a precedent the beneficial "authorization" which, under the civil code of France, the husband may give to the wife with the effect of making her capable as if she had not been married, and which, by Art. 218, if the husband refuses, the Court of the Arrondissement may give, Lord St. Leonards, in 1857, prevailed on the Upper House to introduce a clause now forming, with the alterations made in it by the Commons, the 21st section of the Act. The French law says, "Si le mari refuse d'autoriser sa femme *à estre en jugement*, le juge peut donner l'autorisation;" where the words in italics appear to be equivalent to, *to sue and be sued as a feme sole*. Under this article the French leading case is known as the *Washerwoman's case*. A washerwoman being called upon to pay a debt of her husband's out of her earnings applied to the Court, and obtained at once an order of protection. This was accomplished in the course of a morning in 1856 (Macqueen's Law of Divorce, p. 403).

According to our own law as it stands at present, a wife deserted by her husband may obtain from a police magistrate, or from justices at petty sessions, or from the Court, if satisfied respectively that she is living by her industry or property, a protecting order for the fruits of her industry, and for property which she may become possessed of after the desertion: provided that the order be registered in the county court; also that the husband, or any of his creditors, or anyone claiming under him, may apply to the Court, or to "the magistrate or justices" by whom the order was made, for a discharge of it. It being thus rendered necessary to apply for a discharge to the same magistrate or justices who made the order, great inconvenience may result in the event of absence, from illness or any other cause, of the magistrate or any of the justices. But, in case of the death of the person, or any of the persons, who made the order, the discharge appears to be impossible, for even the Court has no power conferred upon it to discharge an order of a magistrate or justices. The jurisdiction seems co-ordinate as regards protection orders. See the recent case of *Re Sharpe* in the Queen's Bench, 12 W. R. 756. The operation of a protection order is of so much force, that the denial of justice is very grave, which the narrow language of the 21st section may accidentally inflict upon the husband and his creditors, or others interested in the maintenance of his marital right. If during the subsistence of the order, and after notice of it, the husband or any such person takes or holds any property of the wife, he is liable not only to restore the property at her suit, but also to double its value. The wife herself becomes, as from the time of the desertion, a *feme sole* with respect to all property which may be acquired by or come to her, including property to which at the time of making the order she is entitled in remainder or reversion. On her death, her husband takes no interest in property of which she is intestate. For the purposes of contract and wrongs and injuries she may civilly sue and be sued as a *feme sole*, and her husband is no longer liable. Lord St. Leonards' bill, therefore, proposes to enact, by a single clause, that, in case the magistrate by whom the order was made shall have died or been removed, or have become incapable of acting, then in every such case the husband or any creditor, or other person claiming under the husband, may apply to the magistrate for the time being acting as the successor or in the place of the magistrate who made the order for protection, for the discharge of it; and that an order for discharge of an order for protection may be applied for to and be granted by the Court, although the order for protection was not made by the Court, and an order for protection made at petty sessions may be discharged by the justices of any later petty sessions, or by the Court.

The bill passed through a committee of the whole House in the Lords on Monday last, and was to have been reported, with amendments, yesterday.

While upon this subject, we may draw attention to the case of *Re Whittingham's trust*, before Vice-Chancellor Wood, 12 W. R. 775, upon the form of protection orders. There is an incongruity in the Act. It authorises an order to be given to protect the wife's earnings and property acquired since the commencement of the desertion, but the operation of the order is to make her a "*feme sole*" with respect to property, contract, wrongs, and injuries. The terms of the order are not co-extensive with or significant of its effect. Hence sometimes orders are drawn purporting in terms to make the wife a *feme sole*. But, whatever be the statutory effect of the order, it seems clear that all which the magistrate, justices, or Court can do is to make an order in terms according to the provision in that behalf of the 21st section —namely, to protect the earnings and property acquired since the commencement of the desertion. In *Re Whittingham's trust*, Mrs. Evans, on attaining twenty-one, in 1842, became entitled in reversion to some stock. In 1852, she and her husband mortgaged it. Subsequently in that year he was made bankrupt, and his interest in his wife's right in the stock became ultimately vested in a Reversionary Company. In 1853 Mrs. Evans' husband deserted her. The reversionary interest fell in in January, 1863; and in August of that year she obtained from two justices of Surrey an order that all money or property acquired by her industry since the date of the desertion, or which she might thereafter acquire, and all property which she had become possessed of, or to which she might become entitled as executrix or administratrix, or trustee, since the same date, should be protected, and that such earnings and property should belong to Mrs Evans as a *feme sole*. The fund had been transferred into court by the trustees of it, and the question, on Mrs. Evans' petition, was whether the reversionary interest, which fell into possession after the date of the desertion, was protected. If nothing had turned on the form of the order, the case would apparently have been governed by *Re Raindon's trust*, V.C.K., 7 W. R. 184. The meaning of the Surrey justices was by no means clear. The Vice-Chancellor remarked that they had adopted the very inconvenient course of confining the order to the earnings of the wife, and to property coming to her as executrix, administratrix, or or trustee. As the order was a species of title deed to the wife, there was extreme inconvenience in thus sending her out into the world with an order which left it to be supposed that she was not protected as to the reversionary interest fallen into possession. But, having regard to the 8th section of the Amendment Act of 1858 (c. 108), which includes within the protection interests in reversion and remainder, the Vice-Chancellor was of opinion that the interest in question was protected. The error of magistrates and justices in framing the order springs from their imagining that the effect depends upon the particulars which they think fit to introduce. No such discretion is given by the Acts. A certain order is to be made and is to have a certain effect. To attempt to express that effect, or to express any special effect in the order, is vain or superfluous.

THE FACT that on a recent occasion only four judges happened to attend at a sitting of the Court of Ex-

chequer Chamber has been seized upon by "our great contemporary" as an opportunity to revive an agitation, in the prosecution of which it has at least the merit of *persistency*, for an augmentation of the number of common law judges. As we have already recently pointed out, the real evil consists, not in the paucity of judges, but in the multiplicity of courts; we are convinced that the present common law bench is amply sufficient, with proper economy of time and labour, for the efficient discharge of all the business of the courts. With a consolidated Nisi Prius Court, such as has for some years existed in Dublin, and a system of moving for rules *nisi* before a single judge, who is surely as fit to be trusted in such cases as an equity judge with the final decision of a cause, and with, perhaps, a provision for a rota among the courts sitting in Banco, it would be found that the business was got through as rapidly and efficiently as at present, and with much less waste of judicial force.

Shortly after the passing of the Bankruptcy Act of 1861, a general order was made under the Act, appointing official solicitors to conduct bankruptcies in cases where prisoners for debt were adjudicated bankrupt *in forma pauperis*, or where no creditors' assignee was chosen. We, some time afterwards, when sufficient opportunity had been given to enable us to form a definite opinion on the working of the order, conceived it to be our duty to advert to the subject, and stated our reasons for considering the scheme an objectionable one, particularly as regarded the existence of such an officer in London.* On the 21st of April last the Lord Chancellor issued an order revoking all appointments of official solicitors in country district courts of bankruptcy and county courts, and retaining the services only of the gentleman who had received the appointment to act in London. It is asserted that much inconvenience has been found to result from this latter order. We have been unable to learn the nature of this inconvenience, and have not heard of any specific objection to the order, except a complaint, (the truth, though not the validity, of which must, we think, be admitted,) that there is quite as much necessity for retaining the services of the official solicitors in the country as there was for retaining those of Mr. Aldridge in London. This, however, seems to us to apply rather in the contrary direction to that intended. We observe that in the courts of Bristol lately, a high compliment was, no doubt deservedly, paid to Mr. Henry Brittan, the ex-official solicitor for the Bristol bankruptcy and county courts. We have the highest respect for this gentleman individually, and indeed we believe that all the official solicitors appointed were personally unexceptionable, but we adhere to our former opinion that the scheme is an extravagant one, and injurious alike to the court and the public. Besides, irrespective of its expensiveness, the system tends to produce an official monopoly, which is an evil only to be endured when inevitable, or when it is the only refuge from one admittedly greater, which is certainly not the case here.

Surely there can be nothing to prevent the official assignees from appointing, in cases where justice requires it, and with leave of the Court, a solicitor to act for them *pro hac vice*, whose costs might, if necessary, be provided for out of the same fund which has hitherto had to bear the much larger claims of the official solicitors.

Lord St. Leonards has given notice of his intention to propose in committee several alterations in the Lord Chancellor's County Courts' Bill. Among the new clauses proposed are three which bear distinctly upon the question treated of in our article on the 21st ult., and which seem specifically directed towards the objections to the present system which we there urged.

* 7 Sol. Jour. 693.

These sections are as follows:—

1. No packman or person taking or sending his goods for sale from house to house shall recover against the husband or father of any wife or daughter to whom any such goods shall have been or shall hereafter be sold for the price of the same, unless such husband or father shall have been present at such sale, and sanctioned the same.
2. No action to lie upon a sale by auction of goods under the value of £20 upon credit, unless the purchaser and his surety (if any) sign the contract after the sale.
3. No person or body to issue more than twenty plaints at any one court.

These provisions if passed will, no doubt, effectually prevent the recurrence of such a scene as that which we described in the article alluded to, but it is questionable whether they do not, avoiding Scylla, rush into Charybdis. Take the following case:—A gentleman (say a solicitor in large practice) lives in the country, near a railway station, but three or four miles from the nearest market town, and his butcher is in the habit of sending his carts round three or four times a week to his various customers: the meat consumed at our solicitor's house is, of course, all delivered to the order of his wife, on whom the charge of the housekeeping department necessarily falls; if, therefore, the butcher in question should consent to keep a book in which this meat was duly entered and charged for, the bill so run up would, by the operation of these sections, be irrecoverable; and that, notwithstanding any subsequent ratification of the transaction by the husband, for by the clause he must be present *and* sanction.

It is a pity that draftsmen cannot frame provisions to protect poor working men, whose wants and habits are simple and well defined, from what amounts to imposition, without couching them in such general language as to apply to a totally different class, with totally different habits and necessities, to which they are utterly inapplicable.

The great case of "The Baronets," mentioned in Mr. Disraeli's novel of "Sybil," has found its counterpart in real life.

It appears that by an immemorial custom, for which the reason has been lost in the course of ages, the puisne serjeants have been permitted to come within the bar out of term, that place of honour being exclusively reserved for "her Majesty's Patentees" in term.

The learned gentlemen, who thus form a body intermediate between the inner and utter bar, naturally desire to attach themselves permanently to the class above, rather than that below, them. They have accordingly addressed a memorial to the Lord Chief Justice, praying that they might, during the sittings of the Court *in Banco*, be allowed seats within the bar along with the Queen's counsel and serjeants who hold patents of precedence. His Lordship has been pleased to grant the prayer of the petition. "Looking," said his Lordship on Saturday last, "to the fact that the serjeants-at-law have rank as such and a distinctive dress, and on all other occasions are accommodated with seats within the bar, and that in the other courts and the courts of chancery they are so accommodated, we think the application is a reasonable one, and we have great pleasure in acceding to it." We trust that the puisne serjeants will be duly grateful, and that "rings" may henceforward be more freely given than has lately been the case.

Mr. Commissioner Holroyd, in his evidence before the committee of the House of Commons, on the Court of Bankruptcy, has recommended the removal of the court to Lincoln's-inn. "If the Courts of Bankruptcy," he said, "sat at Lincoln's-inn, the occurrence of such scenes as are, it is to be deeply regretted, of frequent occurrence here, would be simply impossible. The tone and manner, and practice and general administration of the law would be, must be, improved." We do not precisely see how this result would follow; but we do see many other advantages which might fairly be expected to flow from the removal in question, and it is possible

that this also would be gained by the greater publicity thus given to the proceedings. We heartily wish the learned commissioner God speed.

"A BARRISTER," writing to the *Times* of May 25, asserts that a London dealer will not need, if the bill passes, to send his clerks and books all over England to the various local courts, as stated by a city merchant, because if he sends his goods from London the cause of action in part arises therein, and he can in consequence sue in the Sheriffs' Court of that city.

This is so, no doubt, provided that the contract has been made in the city, or the delivery has actually or constructively taken place there. But how often is this the case? In the first place, it but seldom happens that any specific contract has been made as to the place of delivery, in which case the delivery is by the purchaser, at the place where-ever the goods have been accepted by the vendor or his company. Further and not either in the warehouse of the railway company. Further the goods office of the railway contract as to the place where there is a special jurisdiction of this Court. is ordinarily such as to exclude, not to confirm, the jurisdiction of this Court. For, in ninety-nine out of a hundred, the object of the stipulation is to provide that delivery by carrier making any special railway shall be accepted—*i.e.*, that instead of the latter shall send to the railway station or carriage, not within it. The vendor sending the parcel to the purchaser's wharf *in his own town*, thus fixing the place of delivery *out of* the city.

On this point Mr. N. S. E. Steinberg, a London solicitor, writes to say:—

In practice, as is well known to all persons in trade, the traveller of a wholesale house takes an order in Cornwall, Yorkshire, or elsewhere, and includes it in his daily sheet to the London house, nothing being said as to how the goods are to be sent; and, until convinced of the superior knowledge of "A Barrister" by authority he may adduce, I am of opinion that delivery to a railway company will not enable the seller to sue in the London Sheriffs' Court, independent of the fact that at present no railway has its terminus within the jurisdiction of that Court.

With every word of this we cordially agree, and we are convinced that any attempt to make the Sheriffs' Court of London the ordinary court for the recovery of small debts of the description alluded to, must utterly fail.

Mr. Steinberg also asserts, and adduces figures showing at least *prima facie* ground for the statement, that, in consequence of the great reduction of costs made in the superior courts, the proceedings therein are now cheaper in undefended cases than in the small debts courts; the one, in an ordinary case not exceeding £20, being only £3 2s., whereas in the other a simple, and not unlikely, case is put, in which they would amount to £4 3s. 6d.

We recommend the whole letter (which we regret we have not space to quote at length) to the careful attention of the public.

A MEETING of the Department of Jurisprudence and Amendment of the Law of the National Association for the Promotion of Social Science will be held at the society's rooms on Monday next, the 6th inst., at eight o'clock, to receive the reports of the standing committee on the County Courts Acts Amendment Bill, Lord Brougham in the chair.

WE HAVE RECEIVED a copy of a petition from the Metropolitan and Provincial Law Association in reference to the County Courts Acts Amendment Bill. We hope to find room for the text of this petition, or the greater part thereof, next week.

THE SALE OF THE BIRKENHEAD STEAM RAMS, a report of which we noticed last week, has since been mentioned in the House of Commons. The Attorney-General there stated that the rams had in fact been bought by the Government, neither party in any manner admitting that they were wrong upon the question at issue. The builders had demanded a sum of £300,000 for these ships, which was the sum, they said, which they could obtain in the market; the Government eventually agreed to give them £220,000, being £1,000 for the vessels as they stand and £25,000 for their completion and fittings.

THE RIGHT HON. ROBERT LOWE, M.P., was on the 31st May elected a trustee of the British Museum, in the room of the late Sir George Cornewall Lewis.

THE WHOLE OF THE Bishop of Salisbury's expenses in the suit against Dr. Rowland Williams, vicar of Broad Chalks, Wilts, in the matter of Essays and Reviews, have been raised by public subscription.

WE LEARN FROM A CONTEMPORARY that the Solicitor-General's brush has contributed No. 663 at the Royal Academy—"An Ice Cave near Grindewald."

WE HAVE BEEN INFORMED that Mr. Edwin James, ex-Q.C., and whilome attorney-counsel of the bar of New York, has inverted the career of Q. Roscius Anerinus, who from an actor became a juris consult. The "learned gentleman" performed the part of Friar Lawrance in the tragedy of *Romeo and Juliet*, at one of the New York theatres, on the occasion of the recent Shakspeare tercentenary celebration. It is said that he played the part remarkably well.

SIR JOHN ROMILLY, the Master of the Rolls, has addressed a letter to Mr. Woodthorpe, the Town-clerk of London, asking permission of the Court of Common Council to have the Charter of William the Conqueror photographed, for the purpose of forming part of a work which is now being published under his auspices, containing specimens of documents of great national importance from the Norman Conquest to the accession of the House of Hanover. The matter has been referred to the Library Committee of the Corporation to act in it as they may deem advisable, having special regard to the care and custody of this ancient muniment during the process.

THE CASE OF YOUNG *v.* FERNIE was mentioned on Wednesday last on the point not previously disposed of. The Attorney-General appeared for the defendants, and admitted that he could not resist the account asked for. We had always considered such an account to be "of course" when an injunction was granted or made perpetual at the Hearing of a patent case, but we suppose the Vice-Chancellor did not choose, in a case of such magnitude, to make the most "Common Form" order, without affording an opportunity for solemn argument. It was also ruled, on the authority, we are told, of *Davenport v. Jepson*, that there should be a certificate that the validity of the patent had been impugned.

MR. BRETT, Q.C., whose candidation for the future representation of Rochdale we announced some time ago, will address a meeting of the conservative electors of that borough on the 8th June inst.

THE FOURTH ANNUAL DINNER of the Solicitors' Benevolent Association will take place on Tuesday next, when the Lord Chief Justice will preside.

THE REPORT OF THE CHANCERY FUNDS COMMISSIONERS, 1864.

The constitution of a department which has the management of funds, the property of suitors of the Court of Chancery, and amounting in value to about fifty-six millions sterling, is of so much importance that we have no need for apology in introducing this report to the notice of our readers. It is now about one hundred and forty years since the Accountant-General was first appointed, and it is interesting to observe how the comparatively small sum of three-quarters of a million then in court gradually increased to the amount which now lies deposited and invested there. The department of the Accountant-General, having the charge of so large an amount of property,

has, perhaps not unnaturally, excited jealousy in the minds of some who imagine it possesses large powers in dealing with the money in the hands of the Accountant-General and that great gains are realised by officials in transactions with the suitor's money of a not very legitimate nature. It is scarcely necessary to state that no profit accrues to any official of the court through such means, as proper checks are provided against such a practice, and as every one is remunerated by salary, which is not in any manner regulated by the amount of business done. One of the first inquiries presented to the mind when entering upon the consideration of this subject is the question, how are the accounts kept which preserve the records of these funds? Upwards of twenty-five thousand accounts are opened by the Accountant-General with the suitors, and every transaction on those accounts is entered in a duplicate set of books—one set being at the Bank of England, and the other at the Accountant-General's office in Chancery-lane. As recently as the year 1852 a third set of books was kept at the Report-office, but has since been closed in accordance with the provisions of the "Suitors' Relief Act." The system of keeping duplicate accounts appears to be of no value. Its continuance is upheld by the Accountant-General himself, on the ground that it affords means of maintaining accuracy in his books; but we are unable to discern how so cumbrous a system can be requisite for affecting an object capable of attainment by other and easier means. The commissioners appear to have arrived at this latter conclusion, as they recommend that the system of duplicate accounts should be discontinued, and that the Bank should keep the Accountant-General's account in the same manner as it keeps the accounts of its other customers. No difficulty is likely to arise from the adoption of this recommendation, and to solicitors the boon would be invaluable, as those must know who transact chancery business at the Bank of England. But if, in addition to this change, it be found practicable to establish a branch of the Bank of England in Chancery-lane, or to provide a Chancery office there for the payment and receipt of cash, the benefit will be great indeed. Delay and trouble are now the principal effects of the separate chancery branch at the Bank, and if with the present system the offices were within five minutes of each other, the causes of complaint would be more rare, but if in addition the present system be abolished, and the recommendation of the commissioners carried into effect by the discontinuance of the duplicate accounts, the saving in expense to the suitors individually, as well as in time, would be immense. Of course the object of any legislation on this subject would be to give to the suitors the greatest facilities together with the greatest security and on the most economical terms. With this view the commissioners recommend in combination with the abolition of the duplicate system of accounts that an effective audit, conducted on the principles of the Admiralty and the War Office, should be established in place of the check hitherto afforded by that duplicate system. This audit "will naturally embrace two distinct things; in the first place, a verification of the authority under which the acts of the Accountant-General, as affecting the funds under his charge, have been done; and secondly, an examination and authentication by voucher of the accounts of the office as proceeding from those acts." So far the commissioners appear to have gone on smoothly, but their next step involves such an anomoly as to be absolutely ridiculous. The Accountant-General, who can only deal with the funds in Court in pursuance of an order, and who is known in practice to refuse to act upon even an official copy of an order without good evidence of the inevitable absence of the original, is no longer to act upon the order, but he is to act upon a "pay sheet," or abstract of the order compiled in a tabular form. Now, apart from the question whether such a mode of operation will "work," we are to consider whether, for the purposes of audit, a concise abstract of the order would, under the strictest system of check, form any true voucher to the auditor. Of course we may multiply *ad infinitum* such a check as we obtain by requiring every transaction to be vouched by an extra hand, but what thanks will the profession accord to the Legislature for such a change as will increase their trouble without a commensurate increase of security. At present we have, first, the order pronounced by the Court in the presence of all parties. Secondly, the order drawn up by the Registrar and settled by him with the concurrence of the solicitors for all parties. Thirdly, the draft drawn by the Accountant-General at the instance of the solicitor, but in favour of the recipient, and to his order in such necessary form as makes identification at two stages similar precautions payment, or, in case of transfer of stock, may reach the are taken in order that the fund drafts, there is the other hand; and lastly, in the case of but this the counter-signature of the Registrar; with, and we confess it, think ought to be dispensed than useless. The book appeared to us to be worse the Accountant-General's Chancery-lane, together with drafts, would of themselves book and the returned the auditor to work upon sufficient materials for

Let us suppose, for instance, an sheet is to be made. In a simple case order on which a pay an ascertained fund it would be as plain the distribution of But in a case where costs are first to addition sum. have to deal with parts of an unascertained, and we (which is the case in at least nine-tenths of residue orders), the only amount which could possibly money in the pay sheet would be the stock to be sold, stated legacies of specific amount. All other items must left in blank. Here is an opening for the commission of fraud of grave importance enough to alarm those who think the present checks are not sufficient! One very feasible suggestion we find in the report is, that all money orders should be consecutively numbered and entered upon a separate record, which should be under the care of the Accountant-General. This would tend to reduce to a minimum the trouble now attending the circumstance of a case where the order is to be acted upon by other solicitors than those in whose custody it right fully remains; and where it is mislaid or lost, the record would be always ready for reference. Moreover, a set of orders consecutively bound in a book with a wide margin for a column of figures would, we apprehend, commend itself to the convenience of an auditor. The pay sheet without the order would be unlikely to "work," but the pay sheet combined with the order in the manner we suggest, would be eminently useful, both for the suitors and for their auditor. Were an auditor appointed and to occupy the post permanently, it might be advisable to give him the charge of the "money order record" in a room in the Accountant-General's office, where he could examine the amount of every draft with the amount set in the margin of the record previously to the draft being issued; but this is a matter of detail, and it is not within our province to do more than throw out suggestions on such a point. It is recommended that the Accountant-General be at liberty to receive money or to accept a transfer of stock to any account already opened in a cause, without any order for the purpose being previously made; this will, no doubt, prove to be a most serviceable addition to the very few cases in which money or stock can be accepted without an order. Our readers will observe that we have adopted the word "pay sheet" as that used by the member of the commission who suggests it, but the term does not appear to us to express the precise meaning intended by its author any more than the author, in making the suggestion, expresses, if we may judge from all we hear, the sense of the Registrar's-office on the subject.

As regards the question of buying and selling stock, the commissioners appear to have taken it into their careful consideration whether, when a certain amount of

stock is to be bought, and to be another amount sold on the same day, only the difference should be bought or sold, as the case may be, in the open market, and the remainder transferred from the bulk of the stock, which all stands in the name of the Accountant-General. This appears at first sight to be an improvement; but, on looking into the matter, they have decided not to make any recommendation on the question, stating that "it has been argued, in opposition to the proposed change, that the present system has the merit of simplicity and absolute freedom from any specific imputation of irregularity on the part of those by whom it is carried on, and that the public would view with suspicion the substitution of a system of transfers." Undoubtedly as long as stocks are liable to fluctuations, which make a difference in the price at different times of the day, and as long as the buying and selling prices differ, which, we apprehend, is an unalterable law of every open market, the arguments against any change in the present system will remain the same; but we are far from satisfied that it would not be a more convenient plan, simply to transfer the necessary balance of stock at "the average price of the day."

With especial view to the advantage of the suitors, a plan is proposed whereby they will receive interest at the rate of £2 per cent. on the cash deposited in Court. This provision is expected to cause a *large* diminution in the amounts invested, a change which we do not anticipate. The suitors have a right to whatever benefit can be obtained for them by the *interim* investment of the cash balances in the hands of the Court, which does not hold towards them the position of a banker, but that of a trustee. It cannot be said that the Court is entitled to appropriate the interest in like manner as a banker does in making use of his customers' money. The suitor pays fees for the maintenance of the Court, and so gives a *quid pro quo* for the equity dealt out to him. Neither, on the other hand, can the Court use these large balances as a banker would, but they must either be left idle, or invested simply in the authorised stock. From the profits of this investment, let the suitor have such a proportion as is available.

It has often been said that the Accountant-General does not know that two and two make four, and that if you want to convince him of that fact, he is satisfied with nothing less than a statement on oath. We hail with delight the proposition that all affidavits of residue and affidavits verifying calculations should be dispensed with; but even in this case we can foresee some difficulty, if "all calculations and apportionments be made by the Accountant-General's clerks." These small questions of the division of a few pounds between several claimants may form a fruitful source of dispute, unless they can be submitted to the final arbitrament of some one person.

To those who are most interested in the easy working of everything connected with the Court of Chancery, of whom our readers form the largest class, this report will repay a careful perusal. That it can have no effect unless followed by legislation, it is unnecessary to add; but we would express our hope that it will not be, as other reports have been, placed in the limbo of things forgotten, and remain useless, unheeded, and without result, as have hitherto been that on the amalgamation of the courts and others on kindred subjects.

CRIMINAL LAW.

Reg. v. *White and Brown*, Middlesex Sessions, May 27.

There is nothing so essential or important in a civilized community as that those who seek the assistance of a court of justice for the redress of their wrongs, as well as those who are compelled to appear there to defend themselves, should feel satisfied even when a decision is adverse, that at least the judge and jury were free from those infirmities of bias, prejudice, or temper which sway the mind and prejudice the judgment; in other words, that the trial has been fairly conducted. If this be true in a civil cause, it is so *a multo fortiori* in criminal cases. It is hardly possible to conceive anything more awful and shocking than that anyone, especially a prisoner, should entertain the idea that injustice has been done him; such a feeling hardens him, makes him callous and indifferent as to his conduct, and an enemy to society; his hand is raised against every man, and he cares not if every man's hand is raised against him.

It is of the utmost importance then that a judge should bring to the trial of every case a mind pure, unbiased, unprejudiced, and impartial; he should endeavour to elevate it so as to approach the standard of Divine justice and purity as nearly as possible; he should be uninfluenced by any ebullitions of temper, or by any facts, however they may have come to his knowledge, other than those that are relevant to, and bear upon, the case under investigation, rejecting every matter that has a tendency to warp his judgment or bias his mind. Strict justice requires that he should always remember that he is dealing with a neglected and ignorant class, whose moral perceptions are blunted and less alive to nice distinctions of morality than those of persons who have had greater advantages of education; and that it is not fair to judge of the conduct of such persons by the same standard of excellence as that by which we judge of the conduct of more fortunate and favoured men: that unto whomsoever much is given, of him shall much be required, and that he that knew not, and did commit things worthy of stripes, shall be beaten with few stripes. Ignorance is no excuse for crime, that is undoubted; but it is, and rightly, commonly admitted to be a good plea in mitigation of punishment.

It is impossible for any one to discharge the duties of a judge honestly and conscientiously unless his mind is so regulated as to be able to appreciate these considerations. A judicial mind, therefore, requires to exercise far higher faculties than those of a strictly legal character. It is very doubtful whether men capable of doing this are often to be found amongst those who have been exclusively engaged in prosecuting criminals; for, to the minds of such persons, every one charged with crime will appear guilty; the question of the possibility of his innocence seldom entering into their contemplation. Nor are they, on the other hand, likely to be found amongst those who have been exclusively engaged in defending prisoners, some of whom think any means justifiable to attain their end; for they too might run into an opposite extreme, as their predilections might dispose them to believe every prisoner, however guilty, innocent; or else their experience of the criminal classes might lead them into another extreme equally objectionable: they might become as heartless and inconsiderate as the judges who derived their convicting proclivities from their experience as prosecuting counsel.

We recollect a judge of these sessions, who has himself rendered up his last account, boast that he had never let a prisoner slip through his fingers; meaning that he had succeeded in convicting all the prisoners who had come before him for trial!

Judges should be selected from amongst those members of the profession who would not allow any of these influences to bear upon the trial of a prisoner—men of truth, honour, and candour, who would feel themselves degraded by taking any advantage of a man charged with crime. But in order to secure the services of such men, their salaries must be proportioned to their position and character. Cheap judges are a great curse to any country. Men of high character will not accept judicial offices with inadequate salaries: the result is, that they fall to the lot of inferior men who may happen to possess political influence.

We are induced to make these general observations in consequence of the case above mentioned, which will

be found reported in another column, in which, to all appearance, there has been a great miscarriage of justice. We particularly desire, however, not to be understood as applying personally to Mr. Payne any general reflections of this nature. The prisoners, William White and Ann Brown, were tried before Mr. Payne, Deputy-Assistant Judge, for stealing a roll of cloth from the shop-door of a draper in the Edgware-road, and the whole case rested upon the evidence of one police constable, who deposed that the cloth was exposed at the door of the prosecutor's shop on the evening in question, and that he saw the male prisoner take up the roll of cloth, but put it down again on a signal from the woman that he was seen. This was the whole of the evidence. It will be seen that there was not, as a certain learned judge used to say when practising at the bar, "a scintilla of an iota of a shade of evidence" that any property had been stolen by the prisoner. There was a total absence of evidence that the prisoner when lifting up the piece of goods had any *animus furandi*. The very object of exposing the goods was to afford intending purchasers an opportunity of lifting up, examining, and ascertaining their quality. There was nothing to show that the prisoner did not lift up the cloth for that purpose. The fact that the roll of cloth was immediately laid down raised a strong presumption that there was no felonious intent; and the statement that it was put down again on a signal from the woman that the prisoner was seen, was a gratuitous suggestion on the part of the policeman, without the slightest foundation or attempt at corroboration.

In cross-examination this witness admitted that the prosecutor knew nothing of what had happened until the day after the prisoners were taken into custody, and that the first charge he made against the prisoners was for stealing a roll of linsey, which the shopman proved did not resemble cloth, and was not exposed at the door on that evening. For the defence it was stated that the policeman and another officer were annoyed by the girl's pertness, and first charged them with dog-stealing at the station-house, but finding no dog had been stolen, altered it into the charge for stealing linsey, upon the chance of linsey being exposed there on the evening in question, which turned out not to be the fact, and finally changed the linsey to cloth, to correspond with what he subsequently discovered from the shopman to be the fact.

From the report of the case it does not appear that there was any evidence of these facts. They seem to have rested simply on the statement of the prisoners. But supposing them to be left totally out of consideration, nothing can, we think, be advanced in favour of the verdict. Upon this evidence both prisoners were found guilty! We should like to know what the judge said to the jury to obtain such a result. In our opinion the case should have been stopped and an acquittal directed: we are sure no judge in Westminster Hall would have allowed any one to be convicted upon such evidence. But the most appalling part of the story has yet to be told; this poor woman, who committed no offence, was sentenced to nine months' imprisonment, and the man to ten years' penal servitude!

The learned judge has since interposed to respite the latter sentence, and has himself put upon record his reasons for inflicting a punishment of such a kind for such an offence, from which it appears that he considered the man an incorrigible offender. How does this, however, affect the case against the woman? and how does it justify the *conviction*, even supposing it to be, and we incline to think it is, an excuse for the *sentence?* We fear, though we shrink from the thought, that to this previous conviction and ticket of leave may be traced, not merely the punishment, but the verdict itself, and that this it is, to which we must attribute the part taken in the trial alike by judge and policeman.

If this be so, it will become necessary for the Legislature to extend the provisions of a recent Act of Parliament. The reading to a jury of a second count in an indictment charging a previous conviction is now prohibited; it would be well to include a judge, and prohibit the conveying of any information to the Bench with reference to a previous conviction until after the count on the substantive charge is disposed of. Some men's minds are so constituted, that, the moment they hear of a previous conviction, every effort is made to convict. We recollect having attended sessions when a little boy was tried for felony; at the termination of the evidence for the prosecution the prisoner was asked in the usual manner for his defence; afterwards the child was invited by the judge, in his blandest and frankest manner, to call evidence to character; the boy declined, but his unhappy mother came forward, and was asked by the judge if she wished to speak to the character of the child; upon her replying in the affirmative, her evidence was taken, and the judge then told the jury that, as evidence of character had been given, he might put in evidence of a previous conviction. The result may be imagined. This case was never reported, but we well recollect the amazement with which it filled the minds of all in court. But to return. We are promised that an inquiry in the proper quarter will be made into the case of White; we should hope that it will be made to include Brown, and we are sure that neither the judge nor the public will have any reason to regret that this matter was thought worthy of reconsideration.

N.B. Since the above remarks were written, the case in question has been mentioned in the House of Commons: a tolerably full report of what then transpired will be found elsewhere in our columns.

COURTS.

HOUSE OF LORDS.

May 27.—*Gipps* v. *Gipps and Another*.—Their Lordships gave judgment in this appeal, the circumstances in connection with which are sufficiently stated *ante*, p. 545

The case was argued some time since, when their Lordships took time to consider.

The LORD CHANCELLOR, in delivering judgment, said that it appeared to him that the question in this case depended upon the construction which ought to be placed upon the 31st section of the Divorce Act, and upon the proper meaning which ought to be given to the word "conniving." The word must include a case where the husband, having discovered the adultery of his wife, takes a sum of money to abandon his right to a divorce, and then leaves his wife in a situation which cannot but facilitate the continuance of the adultery. That had been the conduct of the petitioner. A more painful case had never been submitted to a court of law. It had been stated that Sir William Scott, in the case of *Timmings* v. *Timmings*, had laid it down as a rule of law that the husband was perfectly at liberty to let the licentiousness of the wife take its full scope; but, as far as his own judgment went, he considered such a rule would be a disgrace to the law, and he sincerely hoped that a husband who relied on that dictum would never be able to obtain any remedy for his wife's misconduct in any court of justice. In all subsequent cases a very different rule had been laid down. The appeal must be dismissed with costs.

Lord WENSLEYDALE thought the decision of the Court below was erroneous, as, so far as he could see, the appellant had been guilty of no more than receiving, in rather an irregular manner, the compensation which was his due for the injury he had received.

Lord CHELMSFORD did not think there had been any connivance at the adultery, but considered that the appellant, having sold his right to complain, had no power to found a fresh complaint on any subsequent adultery.

The appeal was then dismissed with costs.

COURT OF QUEEN'S BENCH.

(Sittings in Banco, before the LORD CHIEF JUSTICE, Mr. Justice BLACKBURN, Mr. Justice MELLOR, and Mr Justice SHEE.)

May 30.—The Court gave judgment in the case of *Thackeray* v. *Wood*.—This case raised a novel and important point in the every-day law of vendor and purchaser of real property. The plaintiff, in September, 1861, had purchased of the defendant

a house at Nottingham for the sum of £2,800. It was an old house in the town; and the defendant had himself purchased it many years before. The deed of conveyance by him to the plaintiff recited the deed of conveyance to himself, and then conveyed it to the plaintiff "with all rights, privileges, easements, profits and appurtenances to the said messuage, belonging to or in any way appertaining, or usually enjoyed with or deemed or taken as portion thereof, or any member thereof." And then followed the usual limited covenant for right to convey. It turned out that the vendor, nearly twenty years before (in 1842), had given the adjoining owner a written acknowledgment that his use of certain windows was an encroachment, and had agreed to pay a trifling annual sum as acknowledgment, and under this permission had continued to enjoy the easement. He had not, however, in fact acquired any prescriptive right before the acknowledgment, which had not been disclosed to the plaintiff when he purchased, but no case of wilful misrepresentation was made or attempted, so that the case rested entirely on the supposed breach of the covenant for title. The case was tried before Mr. Justice Blackburn at the late assizes, and he left to the jury the question of damages, reserving the point of law as to the effect and operation of the covenant. The jury found a verdict for the plaintiff for £400 damages. A rule *nisi* had been obtained to set aside this verdict, and enter the verdict for the defendant, or for a nonsuit. It was argued in the sittings after last term, before Blackburn, Mellor, and Shee, JJ.

Mr. Serjeant *Hayes*, and Mr. *Macaulay*, appeared for the plaintiff, the purchaser, and

Mr. *Field*, Q.C., and Mr. *Bruce Campbell*, for the defendant, the vendor.

It was admitted to be a case of the first impression.

For the plaintiff it was argued that in common sense and justice the case was within the covenant, and that the written acknowledgment by the defendant was an "act" done by him contrary to his covenant.

For the defendant it was urged that though no doubt it was an "act done" by the defendant, it was not an act done by him to the prejudice of the property, or the title to the easement supposed to be annexed thereto, because he had never acquired any right to such easement, and would not have had the enjoyment except by means of that acknowledgment.

Mr. Justice MELLOR now delivered a written judgment.—After full consideration, he said, the Court had come to the conclusion that there had been no breach of the covenant. The defendant had conveyed the premises so far as he possessed or could convey them; and, as Lord Eldon had laid it down, the effect of these covenants was that the vendor covenanted that he sold the premises in the the same plight as he received them. Now, here the defendant never had had this easement.

Judgment for the defendant.

June 1.—*Crocker* v. *Waine*.—This was a case of great importance with reference to the mode of dealing with or disposing of "entailed estates," and turned upon the construction of the Fines and Recoveries Act The facts were shortly these:—In 1849 a gentleman named Waine, tenant in tail, who had two sons, Thomas and Giles, and who executed a disentailing deed, which was duly enrolled under the Act, and then in a few days by deed not enrolled Thomas Waine, who was made by this deed owner in fee, conveyed the estate to one Beck on mortgage for £600, and a few days afterwards a new settlement was created, under which Giles Waine (the defendant) would come in after the death of Thomas, their father dying shortly afterwards. But this deed also was not enrolled. The question was whether the subsequent deeds required enrolment.

Mr. *Mellish*, Q.C. (with him Mr. *B. Hardy*, of the Chancery Bar), argued for the plaintiff that the conveyance to the purchaser must be enrolled, his main argument being that the word "disposition" meant all the deeds by which the conveyance to the purchaser was effected.

Mr. *Lush*, Q.C. (with him Mr. *E. Bevir*, of the Chancery Bar), argued for the defendant that, under the old system, the fine or recovery alone was recorded, not the concurrent deed of conveyance by the tenant in tail to the purchaser.

The COURT unanimously gave judgment at once in favour of the defendant.

(Sittings in Banco, before the LORD CHIEF JUSTICE, CROMPTON, BLACKBURN, and SHEE, JJ.)

June 2.—*In the matter of an Attorney.*—Mr. Serjeant *Ballantine* obtained a rule to strike an attorney off the roll on the ground that he had allowed another person to practise in his name who had been struck off the roll for misconduct, having been convicted of embezzlement.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

May 30.—*In re H. J. Bauerman.*—In this case a discussion arose upon an important question as to the rights of official assignees. The bankrupt had been adjudicated on the 12th inst. upon his own petition.

Mr. *Lawrance*, on behalf of the assignees, applied for an order rescinding a former order made on the 13th inst. for the sale of the bankrupt's property. The bankrupt, upon examination, had said that he had given up pictures by modern artists, which cost him £150, together with some others worth about £10. Upon reference to the proceedings he (Mr. Lawrance) found that on the 13th of May an application was made, *ex parte*, to Mr. Commissioner Fane, for an order for sale of these pictures and some furniture, when a printed form of order was placed before the learned commissioner and signed by him.

Mr. Commissioner GOULBURN.—At whose instance did this take place?

Mr. *Lawrance*.—At the instance of persons who, by Act of Parliament, were abolished—the brokers of the Court—but who were now resuscitated as auctioneers. Such a practice was a gross scandal and abuse of the process of the Court; it was not to be permitted that pictures which were then actually on view for sale should be carted down to Basinghall-street, and sacrificed recklessly.

Mr. *Graham*, the official assignee, said that the office furniture had been sold for £5 4s. because the expense of retaining possesion would have reduced the value. With regard to the pictures, he knew nothing, but he believed they had not been sold.

Mr. Commissioner GOULBURN said that no doubt Mr. Commissioner Fane would rescind the order which he had been induced to make, and an application should be made to him upon the subject. With regard, however, to the practice, he (Mr. Commissioner Goulburn) could not quite adopt some of Mr. Lawrance's observations. The object of the Legislature was, on the one hand, the division of assets, and, on the other the protection of the debtor. In theory it might be correct to allow the solicitor to the bankrupt to have the control over the realization of the assets, but in practice great difficulties would arise; and Lord Brougham and other Chancellors had already observed upon them. He (the Commissioner) thought one great object of bankruptcy was the prompt security of the property, and it was idle to allow ten days or a fortnight to elapse before taking possession. Bankruptcy must be *festinum remedium*. But no doubt Mr. Commissioner Fane would annul the former order if it had been irregularly made.

(Before Mr. Commissioner FANE.)

June 1.—*In re A. H. Estcourt.*—The bankrupt was a barrister of Newport, Isle of Wight, and this was an adjourned examination meeting. The accounts disclose an aggregate liability of £7,530, of which £5,103 is due to unsecured creditors. Assets nil.

Mr. *Linklater* appeared for the assignees, and Mr. *Lawrance* for the bankrupt.

A further adjournment for a month was taken by consent.

(Before Mr. Commissioner HOLROYD.)

June 2.—*In re Wm. Kimberley.*—The bankrupt was described as a sharedealer and scrivener, of Old Broad-street. He was formerly a member of the firm of Kimberley & Pope, Solicitors. This was the adjourned sitting for examination and discharge. The amount due to unsecured creditors is £10,138; to creditors holding security, £1,000; liabilities, £3,392. Assets: good debtors, £1,050; interest in the late firm of Kimberley & Pope, £1,495; property held as security, £900. The bankrupt states his expenditure at £1,000 a-year for the two years preceding the bankruptcy.

Mr. *Manns*, for the assignees, expressed their satisfaction with the accounts, and consented to the bankrupt passing his examination, the order of discharge standing over.

Mr. *Lawrance*, for the bankrupt, did not object to that course, especially as the accounts due to the late firm of Kimberley & Pope, which constituted a great portion of the assets, were not yet made out.

Mr. *Sole*, for creditors, concurred.

The order of discharge was adjourned for a month.

MIDDLESEX SESSIONS.

(Before Mr. Payne.)

May 26.—William White, aged 25, and Ann Brown, aged 24 were charged with stealing a roll of cloth, value £3, the property of Mr. D. B. Johnstone, a draper in the Edgware-road.

Mr. *Hawthorne* prosecuted; Mr. *Besley* defended.

The whole case rested on the evidence of one police-constable, Charles Banbury, 129 D, who stated that the cloth was exhibited at the door of Mr. Johnstone's shop, and that at half-past eight on the evening of the 11th inst. the male prisoner took up the roll, but put it down again on a signal from the woman that he was seen.

In cross-examination he admitted that the prosecutor knew nothing of what had happened until the day after the prisoners were taken into custody, and that the charge he made was for stealing a roll of linsey, which the shopman proved did not resemble cloth, and was not exhibited at the door on that evening.

The defence of the prisoners was, that the policeman and another officer were annoyed by the girl's pertness, and first charged them with dog stealing at the stationhouse, but, finding there was no case, altered it into a charge of stealing linsey at Mr. Johnstone's door, upon the chance of linsey being exhibited there on the evening in question, which turned out not to be true.

The jury, after a long consultation, found a verdict of Guilty.

It was proved that White was convicted at these sessions in 1859 on a charge of stealing plate, and sentenced to four years' penal servitude.

White, when called upon, said that he had been out of prison with a ticket of leave for about twelve months, and had been in respectable employment; but the police, knowing that he had been convicted, chased him from street to street, so that he dared not go outside his father's door. What was worse, his brother, who had never been convicted, was thrown out of employment through the interference of the police. Since he had been in custody a constable was seen in the shop of his brother's master, and the next day his brother was given a week's wages without any reason being alleged for his sudden discharge. He was the victim of police tyranny. The police would not allow a man to get an honest living after he had once been convicted.

Mr. PAYNE said they had nothing to do with his brother being discharged. That was the act of the master. The sentence on the woman was that she be imprisoned for nine months, and upon him that he be kept in penal servitude for ten years.

May 30.—William White was now recalled, and placed in the dock.

Mr. PAYNE addressed the prisoner, and told him that after consideration he had determined to postpone the sentence until next sessions, to enable inquiry to be made into the truth of the assertion that he was the victim of police persecution. He then said,—"But I think it my duty, in consequence of remarks which have been publicly made upon the case, for the sake of the administration of justice, to say a few words about it. It has been said that the case was a trifling one. I cannot agree with that opinion. Where a single person steals an article of small value, the case may be said to be trifling; but where three persons, one of them an old offender, go out together, and remove for the purpose of stealing from a tradesman's shop an article worth several pounds, although through the vigilance of the police they do not carry off the article, it does not appear to me to be at all a trifling case. I am not responsible for the verdict, though I consider it was a just one. For the sentence I alone am responsible. The principle upon which I have acted in passing sentence is this:—As long as I can see any means of combining the reformation of the offender and the protection of public, I always endeavour to do so; but when by numerous imprisonments or long penal servitude it appears that the offender will not reform, then I think it right to consider mainly the protection of the public. But you asserted that you were the victims of police tyranny. I did not then think that I could properly act upon that assertion: but on the next day, and before the remarks appeared to which I have referred, your counsel was told that the Court would do what it could to forward an inquiry on the subject. I may further add that neither the jury nor myself were aware before verdict of the previous conviction. You will be brought up again at the next session, and such sentence will then be passed upon you as any alteration of the circumstances may require, or as, after careful consideration, may be thought just and proper."

The prisoner thanked the Court, and was removed to the cells.

May 30.—Henry Dixon, 17, who had been convicted in this court on Tuesday upon a charge of picking pockets, was then placed in the dock.

Mr. *Ribton*, the prisoner's counsel, said that when the case was over on the former occasion Sergeant Cole had stated upon oath that he had seen the prisoner constantly in the company of thieves; that he had known him as their associate for the last eighteen months, and that it might be seven months or more since he saw him with them. It was proved, however, that the prisoner had been sent to Feltham on the 9th March, 1861, for three years, and had come out of that reformatory on the 9th March, 1864. When counsel, in the discharge of their duty to prisoners, said anything against police-constables, they were usually rebuked. He did not mean to say that Cole had made these statements knowing they were not correct. It was a specimen, however, of the careless and hasty manner of swearing in which police-constables indulged.

Mr. PAYNE said that some investigation ought to take place and the policeman be called upon to explain his sworn statement, which might have led to a long sentence of penal servitude: and he then sentenced the prisoner to be imprisoned and kept to hard labour for twelve months.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

(Before Sir J. P. WILDE.)

May 31.—*Westerby* v. *Westerby*.—This was a petition by a wife.

Dr. *Wambey*, for the petitioner, moved for an order for an attachment against the respondent, for not having given security for the petitioner's costs of the hearing, which had been fixed by the registrar at £90, in pursuance of an order of court.

The respondent in person opposed the motion.—The solicitor for the petitioner had advertised that he took suits through the Divorce Court for £30, and he had already run up the costs to nearly £150.

The JUDGE-ORDINARY. — Then you knew the suit was going to be commenced by your wife, and you assisted her in commencing it?

The respondent.—Yes, my Lord. She wrote to me to get the address of the solicitor whose advertisement she had seen, and I sent to the editor of the paper in which it was published, and I obtained the name and address through him. I have several of the advertisements.

Dr. *Wambey* said he knew nothing of the circumstances stated by the respondent. The solicitor was not in court, and, of course, he would probably be able to answer the respondent's statement.

The JUDGE-ORDINARY.—I shall grant no attachment to-day. The case must be mentioned again next week, and these matters must be inquired into.

GENERAL CORRESPONDENCE.

LAW OF COPYRIGHT AMENDMENT BILL.

Sir,—If you kindly allow me to continue and conclude my criticism of the pending bill on the subject of copyright, I have next to remark on the clauses relating to registration. The 16th section provides for the registration of copyright in works of art, and also of any subsequent assignment of any such copyright, and proposes to enact that no proprietor of any such copyright shall be entitled to the benefits of the Act until after registration, and no action shall be sustainable, nor any penalty be recoverable in respect of any infringement of copyright before registration. This provision is taken from 25 & 26 Vict. c. 68. A question may arise whether an an action may be brought by an assignee of the copyright in a work of art before registration of his assignment, but after the registration of the original copyright; and a question may also arise whether an action may be brought by such an assignee for an injury committed before the registration of his assignment, but after the registration of the original copyright. Any chance of these questions being raised should be taken away by a clearer wording of the section.

There seems to be some contradiction between sections 16 and 19 as to the fee payable for the registration of a work of art published in a foreign country, the former section making it two shillings and sixpence, and the latter one shilling. Section 19 reminds us of the difficulty in the bill with reference to maps, charts, and plans published separately. These are included by 5 & 6 Vict. c. 45, in the term book, as used in that Act; but they are not included either in the definition of book, or in the definition of literary work in the

present bill, and are not referred to in the provisions on the subject of registration, unless they are intended to be comprehended under the head of works of art.

Section 23 provides that every entry, made in pursuance of the Act, of any first publication, shall be *prima facie* evidence of a rightful first publication. There is a previous provision in section 17 that every entry shall be *prima facie* proof of the proprietorship of copyright as therein expressed. Difficulties may arise in determining what effect is to be given to the 23rd section, which cannot be found in the 17th; and what is the meaning of a rightful first publication. We presume the phrase to mean a first publication on the day mentioned in the entry, though this is certainly not expressed; and we cannot say what is expressed by the words used. Some assistance is given by the 33rd section in determining the meaning attached by the framer of the bill to the phrase rightful first publication, inasmuch as that section speaks of a wrongful first publication of which any party has availed himself to obtain an entry in the register of a spurious work; but we are still left to a conjectural construction, which it ought not to be necessary to apply to an Act of Parliament. An advocate might argue from the wording of the 33rd section that the object of the 23rd section is to make an entry *prima facie* evidence of a first publication in fact by the person making the entry, and another advocate might argue that this is impossible, because section 23 would, in that case, add nothing to section 17. We shall have to return to section 33, but now that we have quoted from it, we may remark that the word spurious is here used for the first time, as far as we know, in the statute book; except that it is used in the Act of last session, on works of art, and without any indication as to its meaning. The words hitherto used in the Copyright Acts have been pirated copies or unlawful copies. A spurious work, in ordinary language, would mean a work produced under the name of a person not the author or publisher of it.

Section 31 makes the penalty for importing for sale any book included in the Custom House list, the sum of five pounds. Section 34 makes the penalty for importing any pirated copy of any copyright work, the sum of five shillings. It is difficult to reconcile these provisions. Section 32 enables a Custom House officer to detain any package (not being part of a traveller's personal luggage) which he has reason to believe contains any pirated work. This is an extensive power, and likely to give rise to litigation in its exercise, from the difficulty of defining what is personal luggage.

Section 33 contains new provisions for rectifying entries in the register of copyright by means of a summons before a judge. The party to be served with a summons is the person upon whose notice the work has been entered in the register. In the case of an assignment of copyright, both the assignor and the assignee concur in the notice according to form 4 in the schedule B. to the Act, but, according to the wording of clause 33, an order may be made to expunge an entry without any notice to the assignee, and upon the service of a summons on the assignor who has no longer any interest in defending the correctness of the entry. It is matter of minor criticism that the word judge is apparently used for judge of one of the superior courts of common law, and that a certified copy of his order is directed to be served, such a copy being unknown in the chambers of the common law judges, where an duplicate order is the only substitute for the original.

The following proviso in the 33rd section, which I transcribe at length, appears to me expressed in language as intricate and involved as was ever found in an Act of Parliament. "Provided always, that if such application relate to a wrongful first publication of which any party has availed himself to obtain an entry in the said register of a spurious work, and it shall appear to such judge, with respect to such wrongful publication, if in a country to which the author or first publisher does not belong, and between which and this country no treaty of international copyright subsists, that the party making the application was the author or first publisher, as the case requires, or with respect to such wrongful first publication either in the country where a rightful first publication has taken place, or between which and this country a treaty of international copyright does subsist, that a court of competent jurisdiction in any such country where such wrongful first publication has taken place has given judgment in favour of the right of the party claiming to be the author or first publisher, such judge shall make an order for expunging or varying the entry complained of."

In the 37th section, the words "in any public newspaper or otherwise" should be omitted.

By section 39, as to dramatic pieces, the omission of registration is not to prejudice the remedies which the proprietor of the right of representation thereof may have by virtue of the Act. This is a proviso similar to that in 5 & 6 Vict. c. 45, s. 24, as interpreted in *Russell* v. *Smith*, 12 Q. B. 217; but the effect will apparently be different, as the enactment in section 5 of the present bill against the unauthorised representation of dramatic pieces is confined to dramatic pieces not printed. In the case, therefore, of any dramatic piece printed by the author, it will be necessary for him to register before taking proceedings for an unauthorised representation. We are not aware whether this was the intention of the framer of the bill.

We find prints and engravings again spoken of in an ambiguous way in the interpretation clause, which also reminds us of the indiscriminate use throughout the Act of the expressions "books" and "literary works," which have different interpretations given them by this clause. The word "book" is used in clauses 11, 12, 19, 24, 25, 26, and others, apparently in precisely the same sense as the expression "work of literature" in clauses 10, 15, 33, 34, and 39.

It is an effort after clearness which defeats itself, to enact that contributions "shall include essays, poems, tales, or other articles inserted in magazines, or other periodical works." Everybody knows what contributions are, while the technical rule, that general words are to be construed to indicate only things *ejusdem generis* with particular things specified before, is likely to lead to difficulty in determining what is included in the definition given by the bill. I have now made all the remarks which occur to me upon a perusal of this valuable bill, which it is of great importance should pass into law in a form that will prevent the necessity of any future alteration.

JOHN SHOARD.

MRS. LEANDER'S CASE.—(*See ante, p. 592.*)

Sir,—I shall be obliged with space in your journal for a few explanations as to *The Commissioners in Lunacy* v. *Leander*. The report of this case is not on the whole satisfactory; but, independently of this, it is desirable to set Mrs. Leander right with the public. Having personal acquaintance with this institution, and knowing, as I do, its rise and progress, you may depend on the accuracy of my representations. This I may safely say, that I know of no institution which presents such a perfect specimen and illustration of philantrophy as this. It is incorrectly stated in the report that Mrs. Leander obtained *the approval* of Earl Shaftesbury. The noble Earl was applied to by this lady as to her scheme, but it cannot be said that he approved of it. Nor is it accordingly stated in the report given by the newspapers that Miss Faithful was consulted as to the scheme; but this lady became the secretary of the institution. Whatever may be the results of this prosecution, it is right that Earl Shaftesbury should not be unduly associated with the case. But the most important matter to be rectified is, to assure the public that this institution is not "a madhouse," as it is represented to be. Its sole object was to provide a home for females of naturally weak intellect; and, if it should be found that any of the inmates are insane, no breach of the law was intended by Mrs. Leander.

This case, sir, involves a principle of some importance, as I think your readers will agree with me when I mention it. The principle I allude to is this—viz., *whether persons of naturally weak intellect should be classed with the insane.* It should be known that this institution is largely supported by members of the legal profession, but the subscriptions asked are of a trifling amount. No doubt the commissioners are acting in the discharge of what they conceive to be an *official duty;* but the real object of the prosecution is to put down this institution. It need hardly be said that Mrs. Leander will bow to the result of the indictment should it be adverse to her; but the question will, if needful, be brought before Parliament. The theories of what are called "mad doctors" are becoming so absolutely ridiculous that some check is requisite to the present system, and this is matter of general opinion. It may be added that I have seen the commissioners' letters to Mrs. Leander, so that I do not address you without adequate information as to the circumstances of this case. In conclusion I have to ask the public to suspend their judgment until the hearing of the indictment. The circumstances I have mentioned will, I trust, be regarded as a sufficient apology for this letter.

J. CULVERHOUSE.

May 23th.

BANKRUPTCY ACT, 1861.

Sir,—I have read with satisfaction the petition presented to the House of Commons by the Metropolitan and Provincial

Law Association, a copy of which appeared in your paper last week. Some of the proposed alterations are excellent, and, if carried into effect, will be a considerable saving to creditors.

The memorialists in the last paragraph of their memorial ask that the trustees under voluntary or private arrangements should be able to sue in *their own names* for choses in action assigned to them. This power I understood they possessed under the 197th section of the Act of 1861, which, among other things, enacts that the trustees of any deed or instrument registered as set forth in the Act shall have the same powers, rights, and remedies with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed by assignees. The assignees of a bankrupt are empowered to sue in their own names, and the inference to be drawn from the section just quoted, I take it to be, is, that the trustee under a deed of assignment must sue in his own name for a chose in action assigned to him. This has been held by the judge of our county court, who nonsuited the debtor who had sued in his own name and not of that of the trustee under his assignment, notwithstanding he had the consent of the trustee.

Is the Law Association or the judge of the county court right? H. A. A.

APPOINTMENTS.

Mr. CUTHBERT ELLISON, of the Inner Temple, stipendiary magistrate at Newcastle-upon-Tyne, to be metropolitan police magistrate at the Worship-street Police-court, *vice* Mr. Leigh, resigned.

Mr. CUTHBERT ELLISON, to be stipendiary magistrate at Manchester.

Mr. PHILIP HENRY PEPYS, principal secretary to the Lord Chancellor, to be registrar in bankruptcy, *vice* the Hon. R. Bethell, resigned.

Mr. AUGUSTUS B. ABRAHAM, to be principal secretary, *vice* Pepys.

Mr. JOHN STUART, son of the Vice-Chancellor Stuart, to be secretary of presentations, *vice* Abraham.

PARLIAMENT AND LEGISLATION.

HOUSE OF COMMONS.

Friday, May 27.

TITLES TO LAND IN IRELAND.

Mr. SCULLY moved that an humble address be presented to her Majesty, praying that she will be graciously pleased to issue a commission to inquire and report as to the best system of registering titles to land in Ireland, and to frame a measure for that purpose; and also consider and report as to the creation of transferable debentures upon land in Ireland.

The ATTORNEY-GENERAL FOR IRELAND said there was no controversy as to the advantage of carrying out Mr. Scully's views for freedom of trade in land by means of a free and cheap system of transfer in Ireland. He thought it was possible to frame a measure on the subject; but, as it would involve such great consequences to the community, it ought to be brought in upon the responsibility of the Government. The matter was now under consideration, and a measure was in preparation.

After a short conversation, the motion was withdrawn.

Thursday, June 2.

THE MIDDLESEX SESSIONS.

Mr. CLAY rose to ask the Secretary of State for the Home Department whether his attention had been directed to the sentence of ten years' penal servitude passed at the Middlesex Sessions on a man named White, for an act which, if an offence at all, appeared to have been at most an attempt at larceny; and whether also he had noticed unusual severity in the sentences passed not unfrequently at the Middlesex Sessions, and whether Mr. Payne's tenure of office was *quamdiu se bene gesserit*?

Sir G. GREY.—My attention was called to this case by the *Times* newspaper of Saturday last. Immediately afterwards I received a letter from Mr. Payne, Deputy-Assistant-Judge of the Middlesex Sessions, stating the facts of the case as they appeared on the trial. It appeared that the prisoner White had been acting in concert with another man who was not apprehended, and with a woman who was apprehended. Mr. Payne was of opinion that the verdict of the jury was fully justified by the evidence, and in passing his sentence he took into account the fact that the prisoner had been convicted in May, 1859, of a robbery of plate, and had been sentenced to five years' penal servitude. He had at that time been several times previously in custody and twice convicted. That sentence was subsequently respited until the next sessions, in order that inquiries might be made as to the truth of the allegations made by the prisoner of his having been persecuted by the police since his discharge, and the result has satisfied me that, as far as I can judge, those allegations are wholly without foundation. The prisoner was not known to the constable who apprehended him, and it was not known to the police of the division in which he resided that he had been previously sentenced to penal servitude. Nor was there the slightest foundation for the statement that the prisoner's brother had been discharged from his employment in consequence of the interference of the police, for his employer stated, on inquiry, that he had been discharged in consequence of gross misconduct. The prisoner (what was not known to Mr. Payne at the time), six months after his discharge, had been apprehended together with his brother on a charge of being found in a private house at Paddington at two o'clock in the morning for an unlawful purpose, and sentenced at the Marylebone Police-court to three months' imprisonment. I have not noticed any unusual severity in the sentences passed at the Middlesex Sessions. It will be in the recollection of the House that frequent complaints have been made in this House of the lenity of the sentences passed at assizes and quarter sessions, especially upon habitual offenders. Mr. Payne holds no permanent office. He is appointed from sessions to sessions by Mr. Bodkin, as his deputy. He has filled that office six years, and states to me he is not aware that any just ground of complaint has ever been established against him.

Pending Measures of Legislation.

COURT OF CHANCERY (IRELAND) BILL.

(*Continued from page 578.*)

PART III.

Procedure and Practice.

53—60. Copy of 15 & 16 Vict. c. 86, ss. 1—8.

61, 62. Copy of 15 & 16 Vict. c. 86, ss. 10, 11.

63. Demurrers abolished except for want of equity and multifariousness.

64. Pleas abolished.

65—67. Copy of 15 & 16 Vict. c. 86, ss. 12—14.

68. Copy of 15 & 16 Vict. c. 86, s. 42, with the addition of the following:—Rule 7. Any mortgagee or other incumbrancer on land may have a decree for a foreclosure and sale, or a sale of the mortgaged lands, without serving any other mortgagee or incumbrancer, or a trustee for such mortgagee or incumbrancer, unless such mortgagee, incumbrancer, or trustee is in the actual possession or receipt of the rents and profits of the mortgaged or incumbered lands: provided always, that a person at whose suit or for whose benefit a receiver or sequestrator has been appointed or extended, or continues to receive the rents and profits of the lands, shall not be deemed to be in receipt of such rents and profits within the meaning of this rule.

69. Copy of 15 & 16 Vict. c. 86, s. 43.

70, 71. Copy of 15 & 16 Vict. c. 86, ss. 15, 16.

72. The practice on exceptions for scandal and insufficiency assimilated to the English practice established by 13 & 14 Vict. c. 35, s. 27, and 15 & 16 Vict. c. 86, s. 77.

73—5. Copy of 15 & 16 Vict. c. 86, ss. 18—20, except so far as relates to the now obsolete practice of claims.

76. Copy of 15 & 16 Vict. c. 86, s. 21.

77. Copy of 16 & 17 Vict. c. 78, s. 1.

78. Clerk of affidavits may administer oaths and take affirmations, but not to be required to leave his office without special order, which shall specify the sums to be paid him therefor.

79—81. Copy of 16 & 17 Vict. c. 78, ss. 3—5.

82—88. Copy of 15 & 16 Vict. c. 86, ss. 22—28.

89. When any cause commenced by bill shall be at issue, the plaintiff or any defendant may, within such time as shall be fixed by a General Order of the Court, apply by summons, to be served upon the opposite party, for an order that the evidence in chief as to any facts or issues, such facts or issues to be distinctly and concisely stated in the summons, may be taken *viva voce* at the hearing of the cause; and that the judge may make an order that the evidence in chief as to such

facts and issues, or any of them, shall be taken *viva voce* at the hearing accordingly; and the facts and issues as to which any such order shall direct that the evidence in chief shall be taken *viva voce* at the hearing shall be distinctly specified in such order; but in case the judge shall be satisfied that such application is unreasonable, or made for the purpose of delay, oppression, or vexation, he may refuse to make any such order; and where any such order shall have been made the examination in chief as well as the cross-examination and re-examination shall be taken before the Court at the hearing as to the facts and [issues*] specified in such order.

90. No affidavit nor any evidence taken before an examiner shall be admissible at the hearing of any such cause as mentioned in the last preceding section in respect of any fact or issue which shall be included in any order directing evidence in chief to be taken *viva voce* at the hearing, but, except as to the facts or issues included in such order, each party in a cause in which issue is joined shall be at liberty to verify his case, either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses *ex parte* before the examiner of the court, or an examiner to be specially appointed by the Court or judge.

[These clauses are almost *verbatim* copies of Lord Campbell's General Orders on Evidence, rules 3, 4.]

91, 92. Any party in a cause may by *subpœna* require attendance of any witness at the hearing or before an examiner.

93. Except as hereinafter provided, all examinations taken by the examiners of the court, or by any special examiner, for the purpose of being used at the hearing of a cause in which issue is joined, shall be taken *ex parte*, the examiner being furnished by the plaintiff with a copy of the bill and answer, if any, in the cause; and no person shall have a right to be present at the taking of such examination except the party producing the witness, his counsel, solicitor, and agents; and every deposition taken upon such examination shall be deemed to be an affidavit; and the examiner, before transmitting the same to the office of the clerk of affidavits, to be filed as hereinafter provided, shall mark the same as taken *ex parte*.

[See Lord Campbell's General Orders on Evidence, rule 6.]

94. Every witness, whether a party or not, who has made an affidavit, or given evidence before an examiner, shall be subject to oral cross-examination either before the Court or an examiner, and, after such cross-examination, may be re-examined, and such witness shall be bound to attend before the Court or such examiner, upon being served with a writ of *subpœna ad testificandum* or *duces tecum*; and the party on whose behalf he shall have given evidence, shall be bound to produce him for such cross-examination and re-examination, upon proper notice for that purpose being served upon such party, or his solicitor; and, if not so produced, his evidence shall not be used, unless by special leave of the Court: provided always, that the party required to produce him shall be entitled to demand his reasonable expenses, but such expenses shall ultimately be borne as the Court shall direct; provided that the Court shall always have a discretionary power of acting upon such evidence as may be before it, and of making such *interim* order or otherwise, as may appear necessary to meet the justice of the case.

[See Lord Campbell's General Orders, rule 19.]

95. Except as hereinafter provided, no cross-examination of any deponent or witness, or of any party, to be used at the hearing of a cause in which issue is joined, shall be taken otherwise than before the Court at the hearing.

[See Lord Campbell's General Orders, rule 7.]

96, 97. Parties may, by written consent, agree that examination or cross-examination of witnesses shall take place before an examiner; and the Court or judge may direct examination and cross-exmination to take place before an examiner, in case it shall appear to the Court or judge that, owing to the age, infirmity, or absence out of the jurisdiction of such witness or person, or for any other cause, which to the judge shall appear sufficient, it is expedient that such direction should be given.

[See Lord Campbell's General Orders, rules 10, 11.]

98. In cases provided for by the two last preceding sections the examination in chief, cross-examination, and re-examination shall take place in the presence of the parties, their counsel, solicitors, or agents, and shall be conducted as nearly as may be in the mode now in use in courts of common law with respect to a witness about to go abroad, and not expected to be present at the trial of a cause.

* This word is omitted in the printed copy of the bill, but is manifestly required.

99. In suits to perpetuate testimony evidence to be taken according to present practice.

[See Lord Campbell's General Orders, rule 16.]

100, 101. Copy of 15 & 16 Vict. c. 86, ss. 32, 33.

102. The re-examination of a witness shall in all cases follow his cross-examination, and shall not, except by consent or special order of the Court, be delayed to a future time.

103, 104, Copy of 15 & 16 Vict. c. 86, ss. 34, 35.

105. Copy of 15 & 16 Vict. c. 86, s. 37.

106. Except as to facts or issues included in any such order as mentioned in section 89, and the cross-examination and re-examination of witnesses at the hearing, the evidence on both sides to be used at the hearing of a cause in which issue is joined shall be closed within such time as shall in that behalf be prescribed by any general order of the Court, but with power to the Court to enlarge such period as it may think fit.

107. Copy of 15 & 16 Vict. c. 86, s. 39, except as to claims.

108. In cases where it shall be necessary for any party to any cause depending in the said Court to go into evidence subsequently to the hearing of such cause, such evidence shall be taken in such manner as shall be prescribed in a general order of the Court.

109. Notwithstanding any rule or practice to the contrary, it shall be lawful for the Court, at the hearing of any cause or of any further directions therein, to receive proof by affidavit of all proper parties being before the Court, and of all such matters as are necessary to be proved for enabling the Court to order payment of any moneys belonging to any married woman, and of all such other matters not directly in issue in the cause as in the opinion of the said Court may safely and properly be so proved.

110. Copy of 15 & 16 Vict. c. 86, s. 44.

111—128. 13 & 14 Vict. c. 35, ss. 1—18, with three exceptions:—1st. The reference to the master mentioned in section 13 is, of course, omitted, and inquiry by the Court substituted therefor. 2ndly. The power to send a case to a court of common law given by section 14 (and which has been taken away by 15 & 16 Vict. c. 86, s. 61) is not given to the Irish court; and, 3rdly, the Act 7 & 8 Vict. c. 90 is substituted for 2 & 3 Vict. c. 11, referred to in section 17.

[These clauses introduce into Ireland the practice of special cases, introduced into England by Sir George Turner's Act. These cases, though exceedingly useful in the then state of practice of the court, have been almost completely superseded by the improved practice established by the 15 & 16 Vict. c. 86, which, by rendering bills simple and intelligible, and enabling plaintiffs to bring their causes rapidly to a hearing, has made that course as expeditious and cheap as any other, the natural result of which is, that, as it has many other inherent advantages, that form of proceeding is now all but universally adopted. The same improvement led, first to the disuse, and then to the abolition, of the practice of commencing suits by claim.]

129—131. Copy of 15 & 16 Vict. c. 80, ss. 11—13.

132. Orders made in chambers to be drawn up by judges clerks.

133. Orders made at chambers to have same force as orders of court, and to be signed and enrolled in like manner.

134—142. Copy of 15 & 16 Vict. c. 80, ss. 26—34.

143. From and after the One thousand eight hundred and all or any of the powers, authorities, and jurisdiction given to the Masters in ordinary of the said court by any Act or Acts then in force may be exercised by the Master of the Rolls and the Vice-Chancellor respectively, with respect to all suits pending before them; and in every case in which, by any such Act or Acts or otherwise, the order, direction, consent, or approbation of a Master of the said court was necessary, such order, direction, consent, or approbation may be made or given by the Master of the Rolls or the Vice-Chancellor respectively.

144. The powers given to the Masters and the Court by sections 32—39 of this Act may be exercised by the Master of the Rolls and Vice-Chancellor in chambers; and if and when any such judge shall be of opinion that any such matter ought to be finally disposed of, he shall direct the same to stand in his paper in open court, and proceed to dispose thereof accordingly.

145. Upon the application of the executors or administrators of any deceased person at any time after probate or letters of administration shall have been granted, it shall be lawful for the Court or judge, upon motion or petition of course, or upon a summons at chambers, to direct that the usual account be taken of the debts and liabilities affecting the personal estate of such deceased person; and after any such order shall have been made, the said Court or judge may restrain or suspend

any proceedings at law against such executors or administrators in respect of the estate of the deceased, upon such notice and terms and conditions, if any, as to the Court or judge shall seem just; and the judge, in taking such account, may direct that the particulars only of any claim shall be certified by his chief clerk, without any adjudication thereon; and any notices for creditors to come in which may be published in pursuance of any such order shall have the same force as if they had been given by the executors and administrators in pursuance of the 22 & 23 Vict. c. 35. But no such order shall be made pending any proceedings to administer the estate of such person; and in case, after the making of such order, any decree or order for administering the estate of such deceased person shall be made, the Court may, by such decree or order, stay the proceedings under such order of course on such terms and conditions, if any, as shall be just.

146—150. Copy of 13 & 14 Vict. c. 35, ss. 20—25, except as to references to the Masters.

151—153. Copy of 15 & 16 Vict. c. 86, ss. 45—47.

[15 & 16 Vict. c. 86, s. 48, has long been law in Ireland.]

154—159—Copy of 15 & 16 Vict. c. 86, ss. 49—54.

160. Copy of 15 & 16 Vict. c. 86, s. 57.

161. Copy of 15 & 16 Vict. c. 86, s. 59.

162, 163. Copy of the 15 & 16 Vict. 80, ss. 42, 43, except as to conveyancing counsel.

164. Copy of 15 & 16 Vict. c. 86, s. 60.

165, 166. When by any decree or order costs shall be ordered to be paid to or by any person, such costs may be taxed and ascertained by the Taxing-Master, notwithstanding the death of such person before taxation.

167. Summonses to tax costs, pursuant to the two last preceding sections to be served in the ordinary way.

168. The Taxing-Master may proceed *ex parte* with such taxation, in case the person served with such summons shall not, by himself or his solicitor, attend pursuant thereto.

169. All costs taxed and ascertained under the provisions of this Act may be recovered and paid in like manner as if the same had been taxed in the lifetime of the person to or by whom the same shall have been ordered to be paid.

170. Any person claiming any Government Bank of Ireland stock may obtain at the office of the Clerk of Appearances and Writs a statutory writ of injunction restraining the transfer thereof for a time certain, to be limited by the said writ.

171. Pending suits to be prosecuted according to present practice.

172. The Lord Chancellor, with the advice and assistance of the Master of the Rolls, The Lord Justice of the Court of Appeal in Chancery, and the Vice-Chancellor, or any two of them, may make General Orders for carrying the purposes of this Act into effect; and such orders may, from time to time, be rescinded or altered by the like authority: provided always, that in making such General Orders, regard shall be had to the recommendations contained in the report of the Commissioners, with the view, as far as may be possible, of establishing and preserving uniformity in the practice and course of procedure in the Courts of Chancery in England and Ireland respectively.

173. Such General Orders to be laid before Parliament.

PART IV.

Fees and Stamps.

174. Power to the Court, with the assent of the Lords Commissioners of her Majesty's Treasury, to vary the Chancery Fund duties payable under 4 Geo. 4, s. 78.

175. Fees now payable in respect of proceedings in court, and which are received in money, and accounted for to the Treasury, to be added to the Chancery Fund duties.

176. Fees in relation to proceedings in the court now received in money, and accounted for to the Suitors' Fee Fund, to be received in stamps.

177. No officer of the Court of Chancery to receive and retain for his own use any fee or reward whatsoever; and all officers now entitled to receive and retain any fees for their own use, to have, in lieu thereof, such salary as the Chancellor and Treasury shall think just.

178. Officers to continue to receive fees until the Lord Chancellor shall otherwise direct, and to pay such fees into the Suitors' Fee Fund.

179. All or any of the Chancery Fund duties or Chancery Fee Fund stamps may be varied by General Order with consent of Treasury.

180. The Commissioners of Inland Revenue to carry General Orders relating to fees and stamps into effect.

181—185. Copy of 15 & 16 Vict. c. 87, ss. 9—13.

186. When any of the fees now payable shall be reduced as aforesaid, the provisions of all Acts and General Orders relating to the original fees, save where inconsistent with this Act or the General Orders to be made as by this Act directed, shall apply to such reduced fees.

187. Act not to extend to fees in bankruptcy.

PART V.

Miscellaneous.

188. Salaries to be payable quarterly out of Fee Fund.

189—191. Copy of 16 & 17 Vict. c. 98, ss. 1—3.

192. Act to commence on the day of : General Orders to be made at any time after the passing of the Act, but not to take effect before the time appointed for commencement of the Act.

SCHEDULES.

SCHEDULE (A.), ACTS AND PARTS OF ACTS REPEALED.

13 & 14 Vict. c. 14, ss. 1—33.*

22 & 23 Vict. c. 38, s. 14.

SCHEDULE (B.)

Form of Endorsement on Bill of Complaint, and of Replication.

Exactly similar to the forms now used in England.

Form of Order for Administration of Personal Estate.

[Date.]

In the matter of A. B., late of in the county of banker [or as case may be], deceased.

Upon motion of Mr. , counsel for [or the application of] C. D., the executor of the will, or administrator of the effects of the above-named C. D., and reading the probate of the said will or letters of administration of the effects of the said A. B., granted on the day of , to the said C. D., and an affidavit of the said C. D. that no proceedings are pending to administer the estate of the said A. B., this Court doth order that an account be taken of the debts and liabilities affecting the personal estate of the said A. B.: and it is ordered, that, in taking such account, debts are to be distinguished from liabilities, and liabilities certain from liabilities contingent; and the personal estate of the said A. B. is to be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration; and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Form of Statutory Writ of Injunction to restrain the Transfer of Stock or Payment of Dividends.

Similar to the English form.

PROVINCES.

We have been requested to publish the following petition, which has been, we believe, presented to the House of Lords.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The petition of the Birmingham Law Society, by John Welchman Whately, their president

Humbly showeth—

That your petitioners have read the provisions of a bill now before your Lordships' House, entitled "An Act for limitation of actions and process for small debts, and to amend the Acts relating to the county courts, and to confer on such courts a limited jurisdiction in equity."

That your petitioners have considered the provisions of the second clause of the bill, whereby it is proposed to limit the period within which debts not exceeding £20 may be recovered to one year from the time when they became payable; and that your petitioners are strongly of opinion that so great a reduction of the period allowed by the present Statute of Limitations is very undesirable, and would operate most injuriously upon the mercantile community. If any alteration of the existing statutory period of six years is made, three years is, in the opinion of your petitioners, the shortest limit which should be allowed for the recovery of ordinary debts.

That your petitioners can see no ground for a distinction

* This is an obvious error. The Act in question is an Act for authorizing advances of public money to distressed unions in Ireland, and contains but nine sections in all. We presume the Act intended to be repealed is the "Court of Chancery (Ireland) Regulation Act" (13 & 14 Vict. c. 89). If this be so, there is an obvious error in not repealing section 42, which enacts that cause petitions, which are the creation of this Act, and are abolished by its repeal, shall be *lites pendentes*.—*Ed. S. J.*

between debts not exceeding £20 and those of larger amount, and that any alteration in the period of limitation should, in the opinion of your petitioners, extend to all debts alike, irrespective of their amount.

Your petitioners observe with regret that a renewed attempt is made by this bill to deprive creditors of the great advantage of concurrent jurisdiction in the superior courts in respect of actions for debts under £20, which was expressly reserved by the Act under which the county courts were constituted, and which has been retained through all subsequent legislation in reference to those tribunals.

Your petitioners remind your Lordships that in the last session of Parliament two bills, each intended to abolish the concurrent jurisdiction of the superior courts in respect of debts under £20, were introduced in the House of Commons and were withdrawn in consequence of the all but universal opposition which the principle of the projected abolition encountered from the mercantile, no less than from the legal, part of the community.

Your petitioners regard the power possessed by the county courts to order payment of debts under £20 by instalments as proper and beneficial in reference to the large class of cases coming before the courts wherein poor persons have been almost compelled, by the necessities of their position, to obtain goods upon credit; but this power is liable to abuse, and is in fact abused, to a considerable extent.

There are vast numbers of debts under £20 which arise in the course of the ordinary dealings of commercial life, which are altogether different in their character and incidents from the debts above-mentioned. They represent goods sold often at a very moderate profit, calculated with nice reference to the time when payment is to be made, and in such cases it is of great importance to the creditor to receive payment in the lump, and not to be compelled to accept his money by the instalments, which are the rule, rather than the exception, as the mode of payment ordered by the county courts.

The knowledge of the fact last named frequently induces debtors sued in the county court to defend just claims upon them, merely for the sake of deferring the time of payment, and your petitioners submit that this state of things is an abuse upon the fair administration of the law of debtor and creditor, and inflicts great hardship upon creditors.

But after the service of a writ of summons out of the superior court, the knowledge that a defence can only be attempted at a considerable expense, hinders debtors, particularly small ones, from contesting just demands, and the result is that they arrange promptly with their creditors, who, according to the experience of your petitioners, are rarely unwilling to give reasonable, or even longer, time for payment to honest, but poor debtors.

Moreover, excepting cases under £5, the difference between the costs of a county court summons and judgment and the costs of a writ from the superior court and judgment by default is inconsiderable, even where the county court costs are less than the other; but the costs of a writ, at which point the proceedings in the superior court generally stop, are considerably less than the costs up to judgment in the county court, to which stage the proceedings in that court are usually carried, for it is an unusual thing for debtors to contest a just debt of less than £20 in amount in the superior court, but it is a common thing to do so in the county court, for the chance of the debtor escaping with an order to pay by instalments, so small as to be of little value to the creditor even when they come to hand.

Your petitioners are further of opinion that the power of imprisonment, at present possessed by the county courts, is the ultimate basis of the efficiency and usefulness of those courts, in proof of which they refer to the fact that in the Birmingham court (which is probably a fair sample of the rest), one in fifteen only of judgment summonses issued (this process being the first step towards obtaining order of imprisonment) result in the actual imprisonment of the debtor; yet this calculation, strong as its bearing is in favour of retaining the power to imprison, excludes the cases which must be very numerous wherein the mere knowledge that a power to imprison exists, renders resort even to the first step of the process towards imprisonment unnecessary. Your petitioners beg leave to refer upon this point to the statistics of the Birmingham county court for the year 1863, which shows that out of 2,957 judgment summonses issued, only 1,318 reached the stage of hearing upon these, but 479 warrants of committment were issued, which resulted in the actual imprisonment of only 166 persons.

That, from your petitioners' knowledge of the habits of the working classes, their extravagance and improvidence, and, it must be added, their imperfect appreciation of the moral claims of their creditors, your petitioners would earnestly deprecate relaxing the legal sanctions by which the small debtor is held to the discharge of his obligations.

That the enormous aggregate of middle-class wealth which has arisen in England of late years is greatly owing to trading operations based upon a system of credit (backed up by legal sanctions and penalties) small in its beginnings, but sound in its workings, as the result has shown; and your petitioners would earnestly deprecate tentative measures such as the bill now under consideration, which is directly opposed to the highly satisfactory results of experience, and which seems to your petitioners to open up new facilities for the evasion of just claims.

Your petitioners believe that the provisions of the bill intended to compel defaulting debtors to disclose the state of their affairs to the registrar or to the court to be utterly impracticable, and likely to cover a mass of fraud and evasion of which existing evils of the same class offer but a faint idea. It would be impossible for working men without professional assistance to comply with the requirements of the bill, while to introduce such assistance into the cases of *quasi*-insolvency which the bill contemplates is simply to introduce a new system of insolvency practice differing in no material point from the present system, and presenting no advantages over it. It seems to be of the very essence of the bill that the debtors themselves should, in their own persons, make the communications to the Court respecting the state of their affairs, which the bill provides for, without the intervention, and consequent expense, of professional aid; and this design meets the approval of your petitioners, but inasmuch as this would be to impose upon working men, whom chiefly such provisions would affect, duties they are not competent to discharge, the work to be done would slide into the hands of a low class of agents, with which county courts are already infested, and whose conduct and charges are subject to no judicial control.

Before passing from the practice of the county courts, your petitioners desire to bring under the notice of your Lordships a very simple matter, but one which amounts, practically, to a great hardship, for which a legislative remedy is required.

These courts being supposed chiefly to be resorted to by suitors in a humble class of life, who conduct their cases in person, it is the practice for the bailiff of the court to serve all the processes, and in the majority of cases this plan conduces to general convenience, but in many cases defendants are only to be met with by the exercise of greater vigilance, and more continued effort than can be fairly expected from the bailiff, who has scores, and frequently hundreds of summonses to serve within a limited time. Under these circumstances, it often happens that a defendant, especially if not a householder, is able to evade service of the summons by the bailiff for a long period; whereas, if the plaintiff at his option (or his attorney) could undertake the service of the summons, it would be done directly. At present such service would render the proceedings invalid. Your petitioners therefore carefully urge the introduction of an appropriate remedy—namely, that the service of the summons, whether by the bailiff or by the party or his attorney should be left to the option of the suitor. The suitor would but seldom undertake the service, but, whenever he did so, it would be a case of real hardship met and relieved.

Your petitioners have carefully considered the 38th clause of the bill, by which it is, in effect, provided that a poor person, entitled to bring an action for a malicious prosecution, illegal arrest, illegal distress, assault, false imprisonment, seduction, or other action of tort, shall be deprived of the very substantial advantages of having his case tried by the superior court. When the grievous nature and consequences of the wrong which may have been sustained by a person entitled to bring almost any one of these actions, and the intricacy of the questions of law, to which they commonly give rise are duly considered, it seems to your petitioners a most unwarrantable hardship upon a poor person to deny to him, on the express ground of his poverty, the right to seek for justice, where, undoubtedly, it may be looked for with the greatest probability of success—namely, in the superior court. To do so would be to enact one law for the rich and another for the poor. Already the law imposes some check, and a very proper one upon frivolous actions for torts in the superior courts By depriving the plaintiff of costs where he recovers an insignificant amount as damages, and, except in the case of actions for legal distress, your petitioners believe that frivolous actions for tort in the superior courts are not of frequent occurrence, and that the hardship sustained by defendants in such cases are far less in the aggregate than

would be inflicted by the deprivation of the common law right of poor suitors to sue in the superior courts, and which would operate in many cases of most grievous wrong as a practical denial of justice.

Your petitioners have pleasure in recognizing the merits of that part of the bill which proposes to confer a limited equity jurisdiction upon the county courts. The absence of such a jurisdiction hitherto has been a source of hardship in many cases, and has amounted to a substantial exception to the real maxim of English law that under it there can be no wrong without its appropriate remedy.

Your petitioners, therefore, humbly pray your Lordships that the said bill may not pass into a law without such alterations as may avoid those evils in its provisions, which your petitioners have endeavoured to point out, and which they now humbly submit to your Lordships' wisdom to consider, and to rectify.

And your petitioners shall ever pray, &c.

COLONIAL TRIBUNALS & JURISPRUDENCE.

QUEENSLAND.

On Saturday, March 12, Attorney-General Pring moved the admission of Mr. Edward O'Donnell M'Devitt as a barrister-at-law, before the full court. The admission of Mr. M'Devitt is remarkable as being the first case of the call of a gentleman who has undergone all the preliminary examinations in the colony.

FORRIGN TRIBUNALS & JURISPRUDENCE.

FRANCE.

"Extenuating Circumstances!"

The Assize Court of the Haut Rhin was occupied last week with the trial of a revolting case of parricide. A well-to-do peasant, named Steinkampf, being impatient to inherit 3,000f. or 4,000f. which his mother had saved, conspired with his wife and a bravo named Haas, who was bribed by a few francs, to murder her. They seized hold of the old woman while she was milking a cow, and held her head down in a pool of liquid manure till she was dead. The crime was clearly proved, and, moreover, confessed by all the prisoners. The Procureur-General, M. Bigorie de Laschamps, being thus relieved from the necessity of arguing upon the facts, delivered a speech in justification of the punishment of death generally, against which there is a strong feeling in Alsace. He controverted at great length the opinions of Beccaria, Lamartine, Victor Hugo, Mittermaier, &c., and exhorted the jury, as practical men, firmly to do their duty to society and to observe their oath. As to Beccaria, he told the story that some relations of his having been robbed in the Calabrias, the gentle philosopher begged the judges to torture the robbers and have them broken on the wheel. He trusted that the jury would not give to Alsace, to France, and the world the desolating spectacle of an indulgent verdict to an assassin capable of taking the life of the mother that bore him, and that they would repudiate "extenuating circumstances" as an "impiety." Notwithstanding all the eloquence of the public minister, the jury did find extenuating circumstances, and, in consequence, Steinkampf and his wife were sentented to imprisonment with hard labour for life, and the *vicaire* Haas to imprisonment for twenty years.

REVIEWS.

Private Law among the Romans, from the Pandects. By John George Phillimore, Q.C. London and Cambridge, Macmillan & Co. 1863.

This book is one of the "Curiosities of Literature." Of the bulk of the work it is unnecessary to say anything, it being simply a somewhat disjointed collection of selections from the Pandects, connected neither by their own internal force, nor by their arrangement, nor yet by any remarks of the compiler. This, however, as those who are familiar with other writings of the same author will readily conceive, really affects but little the character or apparent object of the book. As in the same gentleman's treatise "on the Law of Evidence" all about the rules of evidence and the principles by which the Courts are at this day guided in the admission or rejection of testimony might be easily collected into half-a-dozen pages or thereabouts, while the greater part of the book consists of an interesting, though hardly impartial, account of the principal State trials of the reigns of the later Stuarts, a fruitful theme for Mr. Phillimore's by no means misapplied invective; so in this book the Roman law is after all but the peg whereon the learned gentleman proceeds to hang his strictures, deserved and undeserved, on English law, its administration, and its administrators. As a legal work, whether looked at from the "stand point" of the jurist or of the English practitioner, the book is simply valueless, but as a *literary* production it possesses merits of a remarkable, and in some respects of a high, order. Those who know the learned author's style, either from his published works or his professorial lectures, will not be surprised to learn that this book shows surprising command of language, great vigour of thought, terseness and accuracy of expression combined occasionally with loftiness, and even poetry, of diction; at the same time that it displays a very Saturnalia of prejudice, a disregard of accuracy in detail, and a perfectly feminine incapacity for seeing the very slightest glimpse of "the other side" of any question whatever; in short, that all the undeniable excellencies and all the proverbial faults of the learned gentleman's previous literary career, are here re-produced in no mitigated form.

On the principal question raised by the preface, whether the existing relations between solicitors and counsel are or not beneficial to the profession and the public, we are completely at issue with Mr. Phillimore; this at least is unquestionable, that this arrangement is not so one-sided an affair as he represents it to be, and that, if some counsel are unduly advanced by private favouritism, and some few others perhaps kept tediously back by want of attorney connection, there are, on the other hand, numbers of the profession, and those not amongst the least deserving, whose merits have been recognised and rewarded by the legally educated minds of the solicitors with whom they have been thrown, but who, from want of manner or readiness, or from some other of the numerous small defects to which flesh is heir, would have been utterly incapable of making the necessary first impression which is requisite for success if brought into immediate contact with the general public. Mr. Brougham himself (securely as he uttered his famous threat when it was made) would, we opine, have found it a hopeless task enough to have made his way from the first with no other assistance than the chance which an unknown and friendless young man would have had of receiving briefs from the general public, who, until a man has acquired a reputation which makes him independent alike of them and the solicitors, are not, in general, even aware of his existance.

In the division of labour, again, we are far from admitting that the bar are the losers. That this division of labour is a necessity of our condition is shown by the fact that it exists in practise everywhere, even where it is sedulously discountenanced in theory; *ex. gr.*, in the United States and Canada, where, though every barrister is also an attorney, the almost universal practice is that the business of the firm should be divided, one or more of the partners taking all the advocacy, and the other the "attorney's business." Whether this course is likely to produce a more independent bar than our English practice, we leave Mr. Phillimore himself to judge.

But there is perhaps no part of this work where Mr. Phillimore's peculiar characteristics are more strongly portrayed, no passage displaying more power and "verve" of diction and conception, or betraying more utter recklessness of assertion, than the remarks upon the judicial bench (not the present judges) which will be found in pages 10 and 11 of the Preface.

> "It has been in consequence of such a distempered state of things, that as the carefully cultivated ignorance of our judges prevented them from giving a reasoned opinion on any great question of jurisprudence, they have laid hold of some cant phrase as the basis of the conclusion at which they have arrived. Such as "Money has no earmark," "Equity must follow the law," "Christianity is part of the common law," "The law abhors a perpetuity," and the like.

We may remark here that no one of the maxims referred to is accurately quoted, not as in any manner affecting the argument (?) of the passage, but simply as an illustration of Mr. Phillimore's habitual inaccuracy in matters of detail. He proceeds—

> "For in spite of the most violent efforts, a volleity* for the show of reason now and then would force its way even among the patrons of fines and recoveries, and the judges yielded to the necessity of having recourse to some articulated sound in their barbarous and scanty vocabulary, that might

* Whatever that may mean.

be mistaken for a principle or an idea, and sure to bind together and explain the incoherent rubbish, to the accumulation of which their lives and the lives of their predecessors had been devoted."

Does Mr. Phillimore know that all the principles not strictly feudal which underlie our common law are drawn from the fount which he evidently considers the "well of *jurisprudence* undefiled," and that all the maxims, without exception, which he has endeavoured to quote, as well as the vast majority of all the maxims recognised by our law, are derived from the same source, sometimes, indeed, modified or altered in *idea*, but seldom, if ever, in expression? If he does know this, what becomes of the "barbarous and scanty vocabulary?" If he does not know it, we recommend him to spend a couple of hours in a cursory glance over Dr. Maine's book, which is the work of a jurist profoundly versed in Roman law, and not unacquainted with the law of England, and from which, we venture to state, he will derive much useful information on this point.

Let us continue the quotation:—

"Then, according to the quarter from which the current happened to set, the judge endeavoured to transform himself into various "*Miracula rerum*"—into a patriot like Judge Buller, when he said the writ of attaint (exploded in the days of the Tudors) was the dearest privilege of an Englishman; a theologian like Lord Kenyon, who probably had never opened a book in any language but English after he was fourteen years old, when he refutes all the arguments against the doctrine and discipline of the Church of England in a summing up of twenty minutes to a jury; a political economist like Lord Tenterden, when he talked in a strain of which a village nurse ought to have been ashamed, about regrating and the precious metals; a *censor morum*, like Lord Eldon, when he deprived one of the most gifted men in England, *and a far more scrupulous moralist than himself*,* or even perhaps than his friend the Duke of Cumberland, of all control over his children; or a politician of the dark ages, like almost all."

That Mr. Phillimore should disapprove of the politics of Lord Tenterden and Lord Eldon is but natural and reasonable, (whether his political theories be better or worse than theirs is a point with which we have here nothing to do); but that he should carry his political animosity to an extent which, if the persons thus attacked by name were living characters, would be obviously and unjustifiably libellous, is an instance of that singular narrowmindedness and prejudice which so obscures Mr. Phillimore's admittedly high qualities. None of the charges contained in the passage quoted are at all accurately stated, and the allusion to the judgment in *Wellesley* v. *The Duke of Beaufort* approaches very near the verge of malignant misrepresentation. Not that we believe that Mr. Phillimore is in fact actuated by malice, (of that we entirely acquit him,) but that the true state of the case is so discoloured as almost to raise a legal presumption to that effect.

Let us conclude:—

"Such occasions however are not common. In general, they and their favourites kept to their routine, which required about as much intellectual activity as a turnspit is expected to show upon the wheel, where all he has to do is to lift up his feet and put them down again. The wheel goes round, and so did the law in the inevitable track that had been made for it, *as by the tinman beneficially in the one case, by the attorney perniciously in the other.*"

The italics are ours. Comment on such a passage is almost superfluous. It may however be worth while to note that Mr. Phillimore is elsewhere a strenuous advocate for a *code*, on the express ground that thereby any one whether possessed of legal knowledge or not, and whether endowed with intellectual power or not, would be able to comprehend and apply to his own case the fitting principles of law. How fallacious such an idea is we have often pointed out elsewhere, our present concern is but to contrast this notion,—that law ought to be so simple as to be mere matter of routine to non-legal minds,—with that notion,—that the judges are unworthy of their position because the ordinary administration of the law is matter of routine.

Almost the only exception which the book contains to the course of eloquent vituperation of English law and lawyers of which we have given a sample, consists of a graceful acknowledgment, a page or two later, of the merits of the present Lord Chancellor, who, though by no means faultless as a legislator, is a profound lawyer and an enlightened jurist, and who seems to divide with Lord Mansfield all the little stock of complacency which Mr. Phillimore possesses for the members of his profession.

The book in question may be interesting to the metaphysician as a study of a powerful, though most abnormal mind; and may be amusing to the dilletanti lawyer for its daring eccentricity both of matter and manner; but as an addition to the solid legal literature of the age, it is in our judgment, we repeat, absolutely valueless.

* William Wellesley Pole!

The Acts for Facilitating the Inclosure of Commons in England and Wales, with a Treatise on the Law of Rights of Common in reference to those Acts; and on the Jurisdiction of the Inclosure Commissioners in Exchanges and Partition; under the Public and Private Moneys Drainage Acts; and under the Companys' Acts relating thereto: with Forms as settled by the Commissioners. By GEORGE WINROVE COOKE, of the Middle Temple, Barrister-at-Law. Fourth edition. London: Stevens & Co. 1864.

This is a new and enlarged edition of a well-known and useful work on the Inclosure Acts, by a gentleman whose attention has been given to the working of those Acts from the very commencement of their history.

It consists, like its predecessors, of three distinct parts: first, a "handy-book" on rights of common, including a slight, very slight, notice of the jurisdiction of the Commissioners; secondly, the text of the ten Inclosure Acts, with foot-notes to the sections, consisting principally of references to other parts of the Acts themselves, but occasionally referring to the principal cases which have been decided on the construction of the Acts or the procedure thereunder, and now and then, but very infrequently, of short discussions by the learned author on doubtful or disputed questions; and lastly, an appendix containing the Prescription Act of 1832 and the forms issued by the Commissioners in Inclosure Cases: the whole being concluded by an excellent and well-arranged index.

It is to be regretted, we think, that it was thought advisable to print the Amendment Acts separately from the General Act and from one another, instead of incorporating them with the General Act, somewhat after the plan adopted in Mr. Nicholl's book on the Bankruptcy Acts; and we should strongly advise Mr. Cooke, when he finds it requisite, as he unquestionably will, to issue a fifth edition of his work, to consider whether he ought not to save his readers from the necessity of referring backwards and forwards through the 322 pages which are occupied by the text of these Acts, by so arranging them as to form one harmonious and consistent whole capable of being treated as a "Consolidation Act" of the whole statute law upon the subject.

One word more: should he feel inclined to follow our advice on this point, we would take the liberty of suggesting that it would be more convenient for him to adhere to the sequence of sections and subjects adopted in the General Act, instead of endeavouring to frame a more logical, but probably less accessible, arrangement of his own: the want of adherence to this rule is the great fault in the book we have already instanced.

In the 148 pages which form the first division of the work before us we have a very readable, and at the same time succinct, sketch of the general nature and distinctions of rights of common, and of the mutual relations of the lords of the soil and the commoners, together with a short history of the steps necessary to be taken and the process to be gone through in order to obtain an inclosure of common by the commissioners. The information thus afforded, though by no means sufficient for the requirements of actual practice, will be found at once interesting and instructive, and seems to us to supply a very efficient introduction to the text of the Acts. This text, if arranged as we have suggested, and embellished with such notes as the existing notes show it to be in Mr. Cooke's power to supply, ought to be, and we think would be, of itself sufficient for all necessities of the acting lawyer.

The book as it stands is decidedly a good book of its class, but it bears upon its face evidence that its author is perfectly capable of a work of a much higher class, which we hope ere long to see produced.

WATERLOO-BRIDGE.—A petition, signed by Queen's counsel, serjeants-at-law, barristers of the Inner and Middle Temple, and merchants and tradesmen in the vicinity of the Temple, was presented to the House of Commons on Thursday, the 26th ult., by Mr. Macaulay, Q.C., the member for Cambridge, praying that Waterloo-bridge should be thrown open to the public.

LAW STUDENTS' JOURNAL.

QUESTIONS FOR THE EXAMINATION.

Trinity Term, 1864.

1—5. Preliminary.

I.—Common and Statute Law and Practice of the Courts.

6. Which of the parties to an ordinary bill of exchange is primarily liable to pay it; and to what other party or parties should notice of dishonour be given?

7. State shortly the principal provisions of the summary procedure on Bills of Exchange Act (1855).

8. By whom must an action be brought to recover a debt due to a married woman, and against whom to recover a debt due from a married woman, the debt being in each case contracted before the marriage: and what, in each case, would be the effect of the death of the husband before action brought?

9. What contracts are required by the Statute of Frauds to be in writing?

10. Within what respective periods must actions be brought to recover debts due respectively on simple contracts, and on bonds or instruments under seal?

11. Is a father liable under any, and if any, what, circumstances, for goods supplied to a son during infancy?

12. What is a set-off? and give instances in which cross demands may, and may not, be set off against each other.

13. If a sole executor of A. B. die intestate after proving the will, what must be done before payment of debts remaining due to the estate of A. B. can be enforced?

14. Within what period must a writ of summons be served, and what should be done in order to save the Statute of Limitations, in case it is not served within the prescribed period?

15. Describe shortly the several stages in an ordinary action to recover the price of goods sold, in which the defence is, that the goods were never purchased or delivered.

16. In what manner should a plaintiff proceed if a defendant evade personal service of a writ of summons?

17. What is the difference between pleading and demurring?

18. What is an interpleader?

19. Describe the several kinds of venue.

20. Are there any pleadings in an action of ejectment, and how is the issue made up?

INNS OF COURT EXAMINATION.

Trinity Term, 1864.

The Council of Legal Education have awarded to

David Lyell, Esq., Inner Temple, the studentship (£52 10s. 0d. per annum).

Francis Turner, Esq., Middle Temple, the exhibition (£26 5s. 0d. per annum).

John Chester, Esq., Middle Temple, Maurice F. Farrell, Esq., Middle Temple, and Francis Henry Lascelles, Esq., Inner Temple, certificates of honour.

The following gentlemen have passed the examination:—

Richard Harris, Middle Temple, George Winter Bomford, Lincoln's-inn, Rees Edward Davies, Lincoln's-inn, Hereford Brooke George, Inner Temple, Richard Chaffey Baker, Lincoln's-inn, Harrison Falkner Blair, Inner Temple, John Hennell, Lincoln's-inn, and Charles Frederick Hammond, Middle Temple, Esqs.

PRELIMINARY EXAMINATION OF ARTICLED CLERKS.

The council of the Incorporated Law Society has repeatedly endeavoured to impress on those to whom is entrusted the education of young persons intending to apply for permission to be admitted to apprenticeship to attorneys, the absolute necessity of having their pupils better prepared in the course of study required by the rules of the Benchers than they have generally hitherto been. It is, however, to be regretted that such warnings have been unavailing, and the consequence has been that, at the examination on Saturday last, twelve applicants had the mortification of being rejected for the present, and only four were adjudged to have passed the examination.

COURT PAPERS.

ADMISSION OF ATTORNEYS.

Trinity Term, 1864.

The following days have been appointed for the admission of attorneys in the Court of Queen's Bench:—Saturday, 11th June; Monday, 13th June.

ADMISSION OF SOLICITORS.

The Master of the Rolls has appointed Monday, the 13th of June, 1864, at the Rolls Court, Chancery-lane, at four o'clock in the afternoon, for swearing in solicitors.

Every person desirous of being sworn in on the above day must leave his common law admission, or his certificate of practice for the current year, at the secretary's office, Rolls-yard, Chancery-lane, on or before Saturday, the 11th of June.

The papers of those gentlemen who cannot be admitted at common law till the last day of term will be received at the Secretary's office up to twelve o'clock at noon on that day, after which time no papers can be received.

COMMON LAW RULE.

Trinity Term, 1864.

It is ordered, that from and after the last day of this present Trinity Term, the following fees may be taken by the sheriffs, deputy sheriffs, sheriffs' agents, bailiffs, and others the officers or ministers of sheriffs in England and Wales, pursuant to the statute of 1 Vict. c. 55, intituled "an Act for regulating the fees payable to sheriffs upon the execution of civil process":—

	£	s.	d.
By sheriff for attending in court on the trial of every common jury cause or issue from the party who entered the same for trial, the sum of	0	10	6
For attending in court on the trial of every cause or issue tried by a special jury summoned by precept under the 108th section of the Common Law Procedure Act, 1852, from the party at whose instance the same was so tried, the sum of	1	1	0

A. E. Cockburn, G. Bramwell,
W. Erle, W. F. Channell,
Fred. Pollock, Colin Blackburn,
Samuel Martin, J. S. Willes,
Charles Crompton, J. B. Byles.

The Income-Tax.—For the first eleven years after the introduction of the introduction of the income-tax by Sir R. Peel, in 1842, it was always at the same rate; in the second eleven years it had been changed as often as Jacob's wages. But with all its changes it will now for the first time stand at sixpence. Until 1853 it was constantly sevenpence in the pound, the attempt of Lord J. Russell's administration to raise it in 1848 being relinquished for good and sufficient reasons. In 1853 Mr. Gladstone carried his bill for continuing it at sevenpence until 1855, then reducing it to sixpence, and in 1857 to fivepence for three years more. It never, however, really reached even the reduction to sixpence, but, in the very next year, 1854, owing to the Crimean war, it was raised to fourteenpence—that is to say, doubled, and, in 1855, it was advanced to sixteenpence until the return of peace. In 1857, peace having come, it was reduced, not to Mr. Gladstone's fivepence, but to the old sevenpence again. In 1849 it was raised to ninepence, and in 1860 to tenpence; in 1861 it was again reduced to ninepence, in 1863 to the old sevenpence. It is now to come down to sixpence, which will be the lowest rate to which it has yet descended. All the changes date from the 5th of April in the year in which they were made.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

PASSMAN—On May 26, at Warwick, the wife of H. Consett Passman, Esq., Solicitor, of a daughter.

TYRRELL—On May 28, at Hanley-road, Hornsey-road, the wife of H. Tyrrell, Esq., Solicitor, of a son.

WILSON—On May 26, at Redhall, Kincardineshire, the wife of John Dove Wilson, Esq., Advocate, Sheriff-Substitute of Kincardineshire, of a son.

MARRIAGES.

ANDREWS—CLARKE—On May 26, at the parish church of Micheldever, Hants, the Rev. Percy Andrews, Esq., curate of Lilleshall, Salop, only son of the late Thomas Andrews, of the Inner Temple, Esq., Serjeant-at-Law, to Matilda Frances, fifth daughter of the Rev. T. Clarke, vicar of Micheldever.

WOOD—WHITE—On May 21, at Wethersfield, Essex, by the father of the bridegroom, Charles, second son of Sir John Page Wood, Bart., rector of St. Peter's-upon-Cornhill, and vicar of Cressing, Essex, to Minna, daughter of the late Thomas White, Esq., of the Manor House, Wethersfield, and Berechurch Hall, Colchester.

DEATHS.

BURGESS—On Feb. 24, at Richmond, Tasmania, aged 71, Francis Burgess, Esq., of the Middle Temple, Barrister-at-Law, for many years Chief-Police Magistrate, and a Member of the Executive and Legislative Councils, Tasmania.

CHARNOCK—On May 26, at 5, King's Bench-walk, Richard Charnock, Esq., of the Inner Temple, Barrister-at-Law, aged 65.

FYLER—On May 24, at Great Malvern, Frances, second daughter of the late Samuel Fyler, Esq., of Twickenham, Middlesex, Barrister-at-Law.

GIBSON—On May 24, at Torquay, Honoria Maria, wife of John Gibson, Esq., late Assistant-Barrister, County Antrim.
HETHERINGTON—On May 27, Wilson Hetherington, Esq, of Lincoln's-Inn, Barrister-at-Law, aged 59.
HITCHCOCK—On May 24, at his residence, 20, North Frederick-street, Dublin, Henry Hitchcock, Esq., Solicitor, aged 48.
JONES—On May 26, at his residence, 39, Chester-terrace, Regent's-park, John Oliver Jones, Esq., late Deputy-Clerk of Assize, Norfolk Circuit, aged 76.
KENSIT—At Port Elizabeth, Cape of Good Hope, Mr. William Kensit, nephew of Henry Kensit, Esq., formerly one of the Six Clerks in Chancery.
KERR—On May 25, at Hawkhill-place, Dundee, William Richardson, the infant son of William Kerr, Esq., Writer, Dundee.
PASKIN—On May 25, at Oak-hill, Hampstead, Charles Paskin, Esq., of the Vote Office, House of Commons, aged 66.
SIMPSON—On May 23, William Simpson, Esq., Solicitor, Ballyclare, aged 33.
SWINY—On May 24, at Torquay, Shapland Swiny, J.P., Esq., of New Court, Cheltenham, and Tubberluminia, county Wexford, only son of the late Shapland Swiny, Esq., Barrister-at-Law, of Harcourt-street, Dublin.
THEED—On May 21, at Glan-y-don House, Rhyl, Frederick Ernest Edward, eldest son of Frederick Theed, Esq., Solicitor, aged 16.
TIMM—On May 27, at Farnborough Grange, Hants, Matilda, the wife of Joseph Timm, Esq., Solicitor to the Board of Inland Revenue.

UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

LEWIS, Rev. EVAN, of Llanllechid, Carnarvonshire. £2,609 15s. 9d. Consolidated £3 per Cent. Annuities.—Claimed by said Rev. Evan Lewis.
PEED, SAMUEL, Cambridge, Solicitor, and THOMAS SMITH, Furnival's-inn, W.C., Solicitor. £34 8s. 6d. Consolidated £3 per Cent. Annuities.—Claimed by said Samuel Peed and Thomas Smith.
WITCHINGHAM, SAMUEL, Kew, Surrey, Hairdresser, deceased. £440 Consolidated £3 per Cent. Annuities.—Claimed by William Gillingwater, Administrator of said Samuel Witchingham.

LONDON GAZETTES.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, May 27, 1864

Bayley, Maria Dance, Mount Radford, nr Exeter, Widow. July 1. Barton, Exeter.
Brockman, Geo, Folkestone, Esq., Colonel of East Kent Militia. July 13. Brockman & Harrison.
Charlton, Anthony, Morpeth, Northumberland, Solicitor. July 12. Woodman, Morpeth.
Follows, Joseph, Lpool, Shoe Manufacturer. July 1. Bretherton, Lpool.
Lillie, Jas, Adlington, Chester, Esq. July 6. Charlewood & Ormerod, Manch.
Malsey, Jas, Kencot Hill Farm, Oxford, Farmer. Nov 1. Price & Son, Oxford.
Paddy, Robt, Bitteswell, Leicester, Farmer. Sept 29. Fox, Lutterworth.
Rogers, Wm, Stratfieldsaye, Southampton, Yeoman. July 27. Lamb & Co, Basingstoke.
Souden, Ann, Appledore, Devon, Spinster. July 16. Buse, Bideford.
Stirk, Cornelius, Otley, York, Shopkeeper. July 1. Siddall, Otley.
Waley, Solomon Jacob, Devonshire-pl, Marylebone, Esq. July 1. Simpson & Co, New Broad-st.
[illegible]itter, Thos Arbuthnott, Westbourne-st, Hyde-pk-gdns, Esq. Aug 2. [illegible]chey, Salisbury-sq, Fleet-st.
[illegible]man, Buckingham, Widow. June 24. Newton & Whyley, Leigh-Yates[illegible]yard.
Cliffor[illegible], Albrighton, Salop, Gent. June 24. Willoughby & Co [illegible].

[illegible]tors under Estates in Chancery.

Last Day of Proof.

Ayers, Geo, Orchard[illegible] FRIDAY, May 27, 1864.
[illegible] Ayres, V.C. Wood.[illegible]piar, Licensed Victualler. June 11. Ayres
Barnard. Thos Hills, Sing[illegible]
Barnard, M.R.[illegible], Kent, Farmer. June 22. Barnard v
Clark, Geo Bradshaw, Tuxh[illegible]
Bowman v Clark, V.C. Kinder[illegible]Nottingham, Nurseryman. June 18.

Assignments for B[illegible]

FRIDAY, May [illegible] of Creditors.

Lloyd, Joseph, Oswestry, Salop, Builder. £4.
Turner, Richd, Chafford Mills, nr Penshurst, 17. Minshall, Oswestry.
19. Lawrance & Co, Old Jewry-chambers. [illegible]r Manufacturer. May

Deeds registered pursuant to Bankru[illegible] Act, 1861.

FRIDAY, May 27, 1864.

Barnett, Wm, Glatton, Huntingdon, Baker. May 20. As[illegible]
Batt, Bartlet, Birm, Pasteboard Manufacturer. May 2[illegible] Reg May 27.
May 25. [illegible] Asst.
Bright, Geo Mo[illegible], Colville-rd, Kensington, Lodging-house Kee[illegible]. Reg
20. Comp. Reg May 27.
Bright, Saml, and Jo[illegible] Walter Purves, Birm, Cabinet Makers. M[illegible]. May
Asst. Reg May 26.
Brown, Chamberlain, Kin[illegible], Soho, General Shopkeeper. April 25.
Comp. Reg May 23.
Cheshire, Richd, Rugeley, Staffor[illegible]
Child, Stephen, Cheltenham, Carvel[illegible]Grocer. May 3. Asst. Reg May 26.
Clarke, Thos, Lpool, Grocer. May 19[illegible]May 4. Conv. Reg May 26.
Dunbabin, Elizabeth, Manch, Stay Make[illegible]mp. Reg May 25.
Gill, Danl, Nottingham, Lace Manufacturer[illegible]ay 2. Asst. Reg May 26.
Greaves, Geo, Batley Carr, York, Tailor. May[illegible]y 4. Conv. Reg May 25.
Green, Geo, Studley, Buckingham, Builder. May Comp. Reg May 26.
Harvey, Cavendish Gore, Hazelbeach, Pembroke, [illegible]pril [illegible] Reg May 24.
Reg May 26. Comp.
Hobson, Wm, Leeds, Estate Agent. April 26. Asst. Reg May 24.
Hughes, Thos, Archer-st, Bayswater, Berlin Wool Seller. May 9. Conv. Reg May 24.
Isaacs, Ily Baber, Houndsditch, Boot and Shoe Dealer. May 7. Comp. Reg May 27.
Kaye, Joseph, Elland, Halifax, Woollen Cloth Manufacturer. May 5. Comp. Reg May 26.
Maling, John, Newcastle-upon-Tyne, Earthenware Manufacturer. April 26. Conv. Reg May 24.
Mallinson, Matthew, Rotherham, York, Innkeeper. May 2. Asst. Reg May 26.
Moyne, Arthur, Lpool, Grocer. May 13. Comp. Reg May 25.
Meyrick, John, Honeyborough, Pembroke, Writer in Her Majesty's Dockyard. May 2. Conv. Reg May 26.
Morgan, Nicholas, Bristol, Boot Manufacturer. May 3. Conv. Reg May 26.
Nield, Wm Robt, Addle-st, Wood-st, Shirt Maker. May 14. Conv. Reg May 27.
Norton, Elijah, St Ives, Huntingdon, Grocer. May 7. Release. Reg May 26.
Roff, Harry, Shrewsbury-rd, Bayswater, Plumber. May 10. Conv. Reg May 27.
Rogers, Wm, Bolton, Lancaster, Beer Seller. May 11. Comp. Reg May 25.
Roper, Richd Jas, British-st, Bow-rd, Druggist's Assistant. May 13. Comp. Reg May 24.
Roser, Wm, Commercial-rd, Middx, Draper. April 30. Asst. Reg May 24.
Say, Geo, jun, Rolstone, Somerset, Yeoman. April 6. Conv. Reg May 25.
Shaw, Geo John, Winchester-st, Pimlico, Government Clerk. May 12. Covenant. Reg May 27.
Simons, John, Derby, Druggist. May 17. Conv. Reg May 26.
Smith, Wm, Poole, Baker. May 6. Asst. Reg May 26.
Sutcliffe, John Gibson, Burnley, Lancaster, Hay and Corn Dealer. April 28. Asst. Reg May 26.
Turner, Richd, Chafford Mills, nr Penshurst, Paper Manufacturer. May 19. Release. Reg May 26.
Tweed, Joseph, Birchencliffe, nr Huddersfield, Innkeeper. May 21. Comp. Reg May 26.
Tweedie, John, Sheffield, Travelling Draper. April 30. Asst. Reg May 27.
Wastell, Wm, Danl Wastell, & Jas Austin, Flower and Dean-st, Dyers. May 7. Comp. Reg May 25.
Wilson, Thos, Wanstead, Essex, Builder. May 16. Asst. Reg May 23.
Woodfield, John, Warwick, Grocer. April 26. Release. Reg May 23.

Bankrupts.

FRIDAY, May 27, 1864.

To Surrender in London.

Bahr, Chas Louis, Mincing-lane, Ship Agent. Adj May 19. June 7 at 1, Aldridge.
Baldwin, Peter, Monks Risborough, Birm, Hay Dealer. Pet May 24. June 7 at 11. Sole & Co, Aldermanbury.
Bridger, John, Gt Portland-st, Marylebone, Confectioner. Pet May 24. June 13 at 1. Peverley, Coleman-st.
Copperthwaite, Robt Hy, Noble-st, Cheapside, Comm Agent. Adj May 19. June 7 at 1. Aldridge.
Cornell, Edwd, Royal Mint-st, Whitechapel, Baker. Adj May 19. June 14 at 1. Aldridge.
Cox, Jas Mitchell, Bethnal-green-rd, Photographic Artist. Pet May 24. June 13 at 1. Treherne & Wolferstan, Aldermanbury.
Cunnington, John, Princes-st, Lambeth, Licensed Victualler. Adj May 18. June 7 at 12. Aldridge.
Eades, Archibald, Devonshire-st, Kennington, Fancy Box Manufacturer. Adj May 19. June 14 at 12. Aldridge.
Flamini, Gustavus, Coleman-st, Merchant. Pet May 16. June 14 at 12. Abrahams, Gresham-st.
Flowerdew, Chas, Warrington-ter, Paddington, Lodging-house Keeper. Pet May 23. June 13 at 1. Wyatt, Harpur-st, Red Lion-sq.
Gosling, Geo, Sewardson-rd, Victoria-park, Builder. Adj May 19. June 14 at 2. Aldridge.
Gwynn, John Robt, City-rd, Licensed Victualler. Pet May 2. June 7 at 1. Abrahams, Gresham-st.
Hearsey, Jas, Guildford, Licensed Victualler. Pet May 24. June 13 at 1. Geach, Gt James-st.
Hinsley, George Halkon, Ipswich. Adj May 18. June 7 at 11. Aldridge.
Hilf, Christian, Hackney-rd, Boot Manufacturer. Pet May 23. June 14 at 2. Leverson, Bishopsgate-st Within.
Hughes, Wm Collingwood, New Brompton, Kent, Clerk Her Majesty's Dock-yard. Pet May 23. June 13 at 12. Jay, New-inn, Strand.
Liddaman, Wm Grant, St James's-cottages, De Beauvoir-rd, Jeweller. Adj May 19. June 7 at 12. Aldridge.
Linker, John, Langley-pl, Commercial-rd, Beershop Keeper. Adj May 19. June 7 at 2. Aldridge.
Lockhart, John Smee, Bow-st, Covent-garden, Relieving Officer. Pet May 23. June 14 at 1. Lawrence & Co, Old Jewry-chambers.
Macintosh, Jas, Warwick-sq, Newgate-st, Bookbinder. Pet May 16. June 7 at 11. Langham & Son, Bartlett's-bldgs.
Marsh, Richd, Gloucester-terrace, Hoxton, Horse Dealer. Adj May 19. June 14 at 1. Aldridge.
Mayhew, Fredk, Globe-st, Wapping, Carpenter. Pet May 26. June 11 at 11. Munday, Essex-st.
Nix, Peter, King-st, Soho, German Sausage Maker. Adj May 19. June 14 at 1. Aldridge.
Oswin, Fredk, Upper Berkeley-st, Portman-sq, Dentist. Pet May 23. June 13 at 1. Pearpoint, Leicester-sq.
Palmer, John, Romford, Essex, Gasfitter. Pet May 24. June 13 at 1. Marshall, Hatton-garden.
Phelps, Edmund, Brooksby-st, Islington, Comedian. Pet May 24. June 14 at 11. Beard, Basinghall-st.
Phillips, Jenkin, Ellinor-rd North, Hackney, Tailor. Pet May 25. June 14 at 11. Hill, Basinghall-st.
Potter, John Neate, Henrietta-st, Brunswick-sq, Printer. Adj May 19. June 7 at 2. Aldridge.
Poulson, Geo, New Church-st, Paddington, Lead Merchant. Pet May 26. June 7 at 1. Clarke, St Martin's-sq, Paddington-green.
Rowsell, Charlotte, Penton-pl, Pentonville, out of business. Pet May 24. June 7 at 12. Hill, Basing-hall st.
Sharp, Thos, Southampton-row, Russell-sq, Lodging-house Keeper. Adj May 19. June 7 at 1. Aldridge.

Skinner, Jas, Spring-pl, Lambeth, Dairyman. Pet May 23. June 7 at 2. Wright, Chancery-lane.
Stanley, Thos Giller, Upper Norwood, Coal Dealer. Adj May 18. June 7 at 12. Aldridge.
Sugden, John Jas, Arthur's-ter, Lower Sydenham, Builder. Pet May 21. June 14 at 11. Edwards, Chancery-lane.
Thomas, Benj, Horsleydown-lane, Bermondsey, Brewer's Stoker. Pet May 21. June 11 at 11. Sheppard & Riley, Moorgate-st.
Vesper, Wm, Grove-house, Bow, Dealer in Toys. Adj May 19. June 7 at 2. Aldridge.
Williams, Saml, Regent-st, Mile-end-rd, Journeyman Shoemaker. Adj May 19. June 14 at 1. Aldridge.
Wilson, Danl, Wells-st, Oxford-st, Beershop Keeper. Adj May 19. June 7 at 1. Aldridge.
Wood, Nathnl, Montpelier-st, Brompton, Greengrocer. Pet May 24. June 14 at 12. Hill, Basinghall-st.
Youens, John, Brighton, Music Teacher. Pet May 23. June 7 at 11. Wethecfield, Moorgate-st.

To Surrender in the Country.

Abrahams, Myers, Dover, Furniture Broker. Pet May 20. Dover, June 7 at 12. Fox, Dover.
Andrews, Geo, Kingston-upon-Hull, Surgeon. Pet May 20. Kingston-upon-Hull, June 2 at 12. Eaton & Bielby, Hull.
Bentley, Joseph, & John Cross, Halifax, Rag Merchants. Pet May 24. Leeds, June 8 at 11, Wavell & Co, Halifax, and Bond & Barwick, Leeds.
Blake, John, Northampton, Grocer. Pet May 16. Oundle, June 2 at 11. Law, Stamford.
Bray, Thos, Dawley, Salop, Licensed Victualler. Pet May 26. Birm, June 13 at 12. Phillips, Shiffnal, and Hodgson & Son, Birm.
Brookes, Wm, Loughborough, Licensed Victualler. Pet May 24. Birm, June 7 at 11. Goode, Loughborough.
Burns, Wm, Boston, Haberdasher. Pet May 24. Boston, June 11 at 1. Brown & Son, Lincoln.
Cockman, Wm, Bedford, Baker. Pet May 25. Bedford, June 8 at 11. Conquest & Stimson, Bedford.
Davies, Thos, Llanssintffraid yn Mechan, Montgommery, Coal Dealer. Pet May 24. Llanfyllin, June 9 at 12. Pughe, Llanfyllin.
Elliott, Thos, Middlesborough, York, out of employ. Pet May 25. Stockton-on-Tees, June 8 at 2.30. Griffin, Middlesborough.
Endicott, John Lewis, Dartmoor, Devon, Licensed Victualler. Pet May 23. Exeter, June 10 at 12. Laidman & Tremewen, Exeter.
Fish, Michael, Accrington, Lancaster, Iron Worker. Pet May 24. Manch June 8 at 12. Higson & Robinson, Manch.
Furner, Chas, Milton-next-Sittingbourne, Kent, Painter. Adj May 18. Sittingbourne, June 4 at 11. Jukes, Basinghall-st.
Grimwood, Eldred John, Wetherden, Suffolk, Maltster. Pet May 21. Stowmarket, June 10 at 10. Fuller, Stowmarket.
Hackman, Wm, Alverstoke, Hants, Butcher. Pet May 21. Portsmouth, June 10 at 11. Paffard, Portsmouth.
Hammond, Alfred, Hulme, Lancaster, Comm Agent. Pet May 24. Salford, June 11 at 9.30. Elliott, Manch.
Hodgson, Gilbert, Crow Tree-id, nr Sunderland, Timber Merchant. Adj April 15. Newcastle-upon-Tyne, June 8 at 12. Hoyle, Newcastle-upon-Tyne.
Ireland, Jacob, Droylsden, Lancaster, Farm Servant. Adj May 11. Manch, June 8 at 9.30. Gardner, Manch.
Kemp, Jas, Constantine, Cornwall, Mason. Pet May 23. Falmouth, June 6 at 3. Dale, Helston.
Knight, Joseph, Lukenham, Leicester, Baker. Pet May 24. Market Harborough, June 7 at 11. Rawlins, Market Harborough.
Lake, Jas, Poringland, Norfolk, Dealer. Adj May 13 (for pau). Norwich, June 7 at 11.
Lamb, John, Butterknowle, Durham, Beerhouse Keeper. Pet May 23. Bishop Auckland, June 11 at 10. Proud, Bishop Auckland.
Lightfoot, Wm, Runcorn, Chester, Wheelwright. Pet May 20. Runcorn, June 17 at 10.30. Clarke, Runcorn.
Matthews, Fredk, Codsall, Stafford, Joiner. Adj April 18. Stafford, June 6 at 12.
Maycock, Margaret, Manch, Widow, out of business. Pet May 24. Salford, June 11 at 9.30. Swan, Manch.
Middleham, John, Shadwell, nr Leeds, Farmer. Pet May 19. Leeds, June 8 at 12. Harle, Leeds.
Millett, Jas, Lowestoft, Saddler. Pet May 21. Lowestoft, June 8 at 12. Chamberlin & Archer, Lowestoft.
Milner, Joseph, Airmyn, nr Goole, York, Nurseryman. Pet May 23. Goole, June 7 at 12.30. Nainwighe & Mangers, Wakefield.
Morris, Edwd, Almeley, Hereford, Carpenter. Pet May 10. Kington, June 7 at 11. Cheese, Kington.
Moses, Jacob, Cheltenham, Hardwareman. Pet May 25. Bristol, June 10 at 11. Burrup & Co, and Wilkes, Gloucester.
Pearce, Thos, Birm, Butcher. Pet May 21. Birm, June 8 at 10. Parry, Birm.
Risch, Hy, Ipswich, Watchmaker. Pet May 23. Ipswich, June 7 at 11. Moore, Ipswich.
Scamp, Robt, Bristol, Builder. Pet May 24. Bristol, June 10 at 12. Dix.
Smith, Geo, Birm, Grocer. Pet May 25. Birm, June 8 at 12. Fitter, Birm.
Swan, Jesse, Lower Rainham, Kent, Brickmaker. Adj May 18. Sittingbourne, June 4 at 11. Morgan, Maidstone.
Thornton, Joseph, Paddock, nr Huddersfield, Woollen Manufacturer. Pet May 18. Leeds, June 8 at 11. Floyd & Learoyd, Huddersfield, and Bond & Barwick, Leeds.
Verey, Edwd Jas, Southsea, Butcher. Pet May 21. Portsmouth, June 10 at 11. Paffard, Portsea.
Vincett, Stephen, Hythe, Kent, Butcher. Pet May 21. Hythe, June 9 at 11. Minter, Folkestone.
Walder, Merrick, Honiton, Tailor. Pet May 23. Exeter, June 7 at 11. Floud, Exeter.
Watkins, Philip, Brynmaur, Brecon, Innkeeper. Pet May 23. Tredegar, June 17 at 3. Simons & Plews, Merthyr Tydfil.
White, Wm, Hawley-croft, Sheffield, Beerhouse Keeper. Pet May 23. Sheffield, June 8 at 12. Broadbent, Sheffield.

BANKRUPTCIES ANNULLED.

FRIDAY, May 27, 1864.

Goshawk, Alf, Church-st, Camberwell, Photographic Artist. May 13.
Richardson, Richd, Stoke-upon-Trent, Hotel Keeper. May 18.
Williams, Wm, Dunning's-alley, Bishopsgate-st, Cabinet Maker. May 13.

Scotch Sequestrations.

FRIDAY, May 27, 1864.

Duncan, Peter, Sluidubh, nr Methven, Farmer. Seq May 25. Meeting, June 6 at 11, Solicitors' Library, County-bldgs, Perth.
Jackson, Andw, & Son, and Jas Jackson & Geo Jackson, Glasgow, Grain Merchants. Seq May 23. Meeting, June 2 at 12, Faculty-hall, Glasgow.
Macrae, Alex, & Jas Macrae, Milton, Farmers. Seq May 23. Meeting, June 3 at 1, Union-hotel, Inverness.
Neilson, Alex, Newton-Stewart, Grocer. Seq May 20. Meeting, June 6 at 3, Grapes-inn, Newton-Stewart.
Petrie, Jas Dani, Inverden, Aberdeen. Seq May 25. Meeting, June 7 at 12, Sheriff Court-house, Aberdeen.
Wilson, Robt, Glasgow, Dairyman. Seq May 21. Meeting, May 31 at 12, Faculty-hall, Glasgow.

Our attention has been drawn to an accidental error in our last issue, by which the name of the late Mr. James Tullock was inserted among the list of "Assignments for the Benefit of Creditors" instead of under the heading of "Creditors under 22 & 23 Vict." We regret that it should have occurred.

ESTATE EXCHANGE REPORT.

AT THE MART.

May 26.—By Messrs. DANN & SON.

Freehold residence, known as Heath Close House, situate at Dartford-heath, Kent, with pleasure-grounds, orchard, &c., comprising about 14 acres—Sold for £6,000.
Freehold pleasure farm, comprising about 42 acres, adjoining the above—Sold for £4,550.
Leasehold estate, comprising about 9 acres of plantation and arable land, together with 6 cottages, situate at Shorne, near Cobham, Kent; held for a term of 500 years from 1755, at a peppercorn rent, and let for a term expiring in 1874, at £55 per annum—Sold for £1,060.

By Messrs. TEBB, BROTHERS.

Leasehold, 4 shops, situate in Molden-road, Kentish-town; term, 96 years from March, 1863; ground-rent, £24; let for £160 per annum—Sold for £1,100.

May 31.—By Messrs. NORTON, HOGGART, & TRIST.

Leasehold dwelling house, being No. 3, Montpelier-terrace, Notting-hill; term, 99 years from Michaelmas, 1850, at a ground-rent of £7 per annum—Sold for £230.

By Messrs. FORSTER.

Leasehold, two tenements, being Nos. 45 and 47, Regent-street, Horseferry-road, Westminster, and 3 cottages in the rear, producing £48 10s. per annum—Sold for £595.
Leasehold house, being No. 6, Mitre-street, Aldgate, producing £30 per annum—Sold for £315.
Leasehold dwelling-house, being No. 10, Belvedere-road, Lambeth; also a dwelling-house, being No. 2, Guildford-street, Lambeth, producing £56 per annum—Sold for £520.
Leasehold dwelling-house, being No. 15, Belvedere-road, Lambeth; producing £28 per annum—Sold for £255.
Leasehold dwelling-house, being No. 81, York-road, Lambeth; producing £42 per annum—Sold for £445.
Leasehold rent of £25 per annum, coming out of the York-road Chapel, Lambeth, for 59 years—Sold for £445.

By Messrs. STUCKEY & PHIPPS.

Freehold plot of building land, situate at the corner of Jew's-road, Wandsworth—Sold for £2,700.
Freehold house and shop, known as No. 2, Broad-street, Bloomsbury producing £52 10s. per annum—Sold for £820.

By Mr. F. BUCKLAND.

Lease and goodwill of the Cafartha Lead Mine, situate near the hi[illegible] leading from Machynlleth to Llanidloes, together with m[illegible] plant, buildings, &c.—Sold for £1,600.

By Mr. FREDERICK INMAN SHARP.

Freehold, 2 residences, with coach-houses and stabling, known as Elm-villas, East End, Finchley; estimated annual val[illegible]00—Sold for £1,400.
Leasehold business premises, being No. 1, Broa[illegible]t-buildings, City; estimated annual value, £175—Sold for £665

AT GARRAWAY & FRY.

May 30.—By Messrs. [illegible]ble-street, Foster-lane, Cheap-
Leasehold dwelling-house, being No. [illegible] for £1,560.
side; producing £40 per annum[illegible]s. PRICE & CLARK.

May 31.—By [illegible]e in Finchley New-road, St. John's-
Leasehold piece of ground, [illegible] wood—Sold for 800. Messrs. CRAWTER.

[illegible]n as Laburnam House, and premises, situate in
Copyhold residence, [illegible]green, New-road, Hammersmith, with cottage Victoria-road, Stg Brier Dairy—Sold for £770.
[illegible] and premises, [illegible]s, situate in Castle-court, Poppin's-court, Fleet-street,
Freehold warehou[illegible]680.
City—Sold [illegible].

[illegible]e 1.—By Messrs. FAREBROTHER, CLARK, & LYE.

Freehold, [illegible]d copyhold estate, situate in the parish of Whippingham, Isle of [illegible]t, known as Kingston and Shamblers Farms, with farm-house, [illegible]res, and 161a. 17r. 6p. of arable, pasture, and wood land—Sold for £7,480.
[illegible]asehold estate, situate as above, known as [illegible]brook's Farm, with farm house, out-buildings, &c., and 154a. 3r. [illegible] of arable and pasture land; also, freehold, 4 plots of arable and [illegible] producing £137 10s. per annum—common and Good Friday, the wh[illegible] Sold for £5,000. GLASIER & SONS.

By Mr. [illegible] the Avenue, Putney-park; estimated
Leasehold residence, situ[illegible] for £1,000.
annual value, £120—[illegible] with shops, situate and being Nos. 62 and 63,
Leasehold, two house[illegible] £2,550.
Haymarket, [illegible] coach-houses, and premises, known as Anglesea-yard,
Leasehold [illegible]ket, [illegible]o 7 gallery tenements, producing £457 per annum—Sold for £11,850.

United Law Clerks' Society.

Patrons.—THE RIGHT HON. THE LORD HIGH CHANCELLOR; THE RIGHT HON. LORD CRANWORTH.
Trustees.—EDWARD SMITH BIGG, Esq.; JOHN WILLIAM WILLCOCK, Esq., Q.C.; KEITH BARNES, Esq.

The Thirty-second Anniversary Dinner

WILL TAKE PLACE

AT THE FREEMASONS' TAVERN, GREAT QUEEN STREET,

ON TUESDAY, THE 28th DAY OF JUNE, 1864.

The HON. MR. JUSTICE SHEE, in the Chair.

HONORARY STEWARDS.

The Right Hon. LORD WENSLEYDALE
The Right Hon. LORD CHIEF JUSTICE ERLE
The Right Hon. LORD CHIEF BARON POLLOCK
The Right Hon. LORD JUSTICE KNIGHT BRUCE
The Right Hon. LORD JUSTICE TURNER
The Hon. VICE-CHANCELLOR STUART
The Right Hon. SIR J. P. WILDE
The Hon. Mr. BARON MARTIN
The Hon. Mr. JUSTICE CROMPTON
The Hon. Mr. BARON BRAMWELL
Her Majesty's ATTORNEY-GENERAL
Her Majesty's ADVOCATE-GENERAL
R. BAGGALLAY, Esq., Q.C.
JOHN BAILY, Esq., Q.C.
GEORGE BODKIN, Esq., Q.C.
SIR HUGH CAIRNS, Q.C., M.P.
J. D. COLERIDGE, Esq., Q.C.
The Hon. G. DENMAN, Q.C., M.P.
PETER ERLE, Esq., Q.C.
WILLIAM FIELD, Esq., Q.C.
G. M. GIFFARD, Esq., Q.C.
JOHN GRAY, Esq., Q.C.
T. W. GREENE, Esq., Q.C.
HENRY HAWKINS, Esq., Q.C.
W. M. JAMES, Esq., Q.C.
J. B. KARSLAKE, Esq., Q.C.
D. D. KEANE, Esq., Q.C.
SIR FITZROY KELLY, Q.C., M.P.
J. R. KENYON, Esq., Q.C.
JOHN LOCKE, Esq., Q.C., M.P.
R. LUSH, Esq., Q.C.
R. MALINS, Esq., Q.C., M.P.
H. MANISTY, Esq., Q.C.
JAMES OSBORNE, Esq., Q.C.
W. OVEREND, Esq., Q.C.
J. HINDE PALMER, Esq., Q.C.
THOMAS SOUTHGATE, Esq., Q.C.
Mr. SERJEANT GASELEE
Mr. SERJEANT HAYES
Mr. SERJEANT HERBERT JONES
W. H. BODKIN, Esq.
Mr. SECONDARY POTTER
The Hon. R. DENMAN
W. HAYES, Esq.
J. N. HIGGINS, Esq.
THOMAS E. HUGHES, Esq.
RUPERT POTTER, Esq.
FRANCIS WEBB, Esq.
JOSIAH WILKINSON, Esq.
ALFRED BELL, Esq.
F. T. BIRCHAM, Esq.
J. BIRD, Esq.
E. B. CHURCH, Esq.
W. S. COBBOLD, Esq.
W. H. CULLEN, Esq.
JOHN DRUMMOND, Esq.
A. HALL, Esq.
J. W. HAWKINS, Esq.
W. HINE HAYCOCK, Esq.
JOSEPH IVIMEY, Esq.
J. W. LONGBOURNE, Esq.
JAMES LEMAN, Esq.
JOHN LINKLATER, Esq.
N. C. MILNE, Esq.
CHARLES MILNE, Esq.
WILLIAM MURRAY, Esq., M.P.
PARK NELSON, Esq.
T. J. NELSON, Esq.
R. W. PEAKE, Esq.
J. A. ROSE, Esq.
HERBERT STURMY, Esq.
G. B. TOWNSEND, Esq.
E. W. WILLIAMSON, Esq.

ACTING STEWARDS.

Mr. J. ALLBERRY | Mr. W. E. JONES | Mr. JOHN MARTIN | Mr. W. NOAD | Mr. G. C. SHERMAN. | Mr. H. J. TYLER.
Mr. A. COOKE | Mr. S. W. KING | Mr. F. K. MUNTON | Mr. J. R. PERRY | Mr. D. R. L. TOOMBS.

DINNER ON TABLE AT SIX O'CLOCK PRECISELY.

Tickets, One Guinea.

HARRY G. ROGERS, *Secretary.*

Periodical Sales of Absolute or Contingent Reversions to Funded or other Property, Annuities, Policies of Assurance, Life Interests, Railway, Dock, and other Shares, Bonds, Clerical Preferments, Rent Charges, and all other descriptions of present or prospective Property.

MR. FRANK LEWIS begs to give notice that his SALES for the year 1864 will take place at the AUCTION MART, on the following days, viz.:—

Friday, June 10	Friday, September 9
Friday, July 8	Friday, October 14
Friday, August 12	Friday, November 11
	Friday, December 9

Particulars of properties intended for sale are requested to be forwarded at least 14 days prior to either of the above dates, to the offices of the auctioneer, 36, Coleman-street, E.C., where information as to value, &c., and printed cards of terms may be had.

Hampshire, on the borders of Wilts.—The Oaklands Estate, a very valuable and truly desirable freehold residential property, comprising a very superior mansion, with about 1,100 acres of excellent agricultural land, principally tithe free and exonerated from land tax, interspersed with extensive woodlands and plantations, forming fine game coverts, presenting enjoyable features with a sound investment; situate in a fine sporting part of the county, within easy reach of the Tedworth and the New Forest foxhounds, in the parishes of East Tytherley, Lockerley, and East Dean, between Romsey, Winchester, and Salisbury, about two-and-a-half miles from the Dunbridge Station on the Salisbury branch of the London and South-Western Railway, and producing a large annual income.

MESSRS. DANIEL SMITH, SON, & OAKLEY have been favoured with instructions from the proprietor to offer by AUCTION, at the MART, near the Bank of England, on TUESDAY, the 21st day of JUNE, at TWELVE o'clock, in One or Two Lots, the above valuable and choice RESIDENTIAL ESTATE. It consists of a mansion erected within a few years in a most substantial manner, planned with every attention to comfort and the requirements of a good establishment, having excellent offices and very superior stabling, with covered carriage yards. The house is placed upon high ground in the midst of park lands, studded with forest timber, and opens to an extensive and delightful lawn and pleasure-ground, screened by shrubberies, and overlooking a beautiful country, having bold undulations clothed with rich woodlands. It contains 12 principal and secondary sleeping apartments, large and lofty, 2 dressing-rooms, bath-room fitted, good entrance-hall, conducting to a billiard-hall, 24ft. by 17ft., open to the roof, cloak-room, lofty dining and drawing-rooms, each 23ft. by 18ft., with embayed French windows, school-room, morning-rooms, and extensive culinary auxiliaries. Approached from the court-yard are the out-offices, which are spacious and convenient. Adjoining the north end of the east wing is a magnificent conservatory 43ft. by 10ft. and 36ft. by 23ft., with 2 hothouses adjoining, 20ft. by 20ft. and 30ft. by 20ft., with hot-water pipes complete, opening upon the lawn and communicating with the mansion by the verandah balcony, which surrounds it, thus giving access to either the morning, dining, or drawing-rooms, and forming a luxurious addition to the general comfort which the mansion affords. The stabling and out-offices, which are detached and screened from view by ornamental shrubberies, are built of brick, in keeping with the mansion, and open into a large covered yard, with water laid on, and every convenience for keeping carriages in excellent condition. There are two productive walled kitchen gardens, clothed with fruit trees of the choicest description. The estate embraces in the whole 1,098a. 3r. 3p., of which 537a. 2r. 10p. are excellent turnip, barley, and wheat land; 240a. 2r. 18p. sound pasture and meadow ground (including the park of 57 acres), divided into good farms, with excellent homesteads; 290a. 0r. 35p. woodlands and plantations of a highly ornamental character, affording capital covert shooting, 16a. 0r. 34p., the site of the mansion and carr, tilage, the remainder orchards and homesteads; also 2 good brick-built water cornmills, driven by a trout stream, a tributary to the famous river Teste, and affording good fishing; the Star public-house and various cottage properties; together with the manor or lordship of Lockerley.

Particulars, with a plan and view of the mansion, may be had at the Mart, E.C.; of

Messrs. WILSON, BRISTOWE, & CARPMAEL, Solicitors, 1, Copthall-buildings, E.C.;

and of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, 10, Waterloo-place, Pall-mall, S.W.

Bedfordshire.—Capital Family Mansion, with gardens, pleasure-grounds, and richly timbered pastures, at Sandy, between the towns of Bedford, St. Neots, and Biggleswade.

MESSRS. DANIEL SMITH, SON, & OAKLEY are instructed to SELL by AUCTION, at the GUILDHALL COFFEE-HOUSE, Gresham-street, E.C., on TUESDAY, the 5th JULY, at TWELVE, a very desirable RESIDENTIAL PROPERTY, situate in the above rural and favoured district, close to the church, village, and railway-station at Sandy, now an important junction station for Bedford and Cambridge, only 1¼ hour's journey from London on the Great Northern line of railway. The mansion, which contains four reception-rooms of good dimensions, 13 bed and dressing-rooms, and every accommodation for a moderate establishment, with coach-house, stabling, &c.; is an old-fashioned, red brick structure, raised a considerable height above the ground, and is in substantial repair. It is pleasantly placed in well laid-out pleasure-grounds sloping to finely-timbered, park-like pastures of about 20 acres in extent, bounded by an ornamental stream of water, and with lodge entrance and carriage drives; the pleasure-grounds and flower-garden are well arranged, and there are good walled kitchen gardens, grapery, hothouse, &c., also a few farm-buildings and six cottages (two of which have just been built in a superior manner). The soil is sandy, the water supply good, and the neighbourhood pretty. The whole is freehold, tithe free, and land tax redeemed.

Particulars and plans (when ready) may be obtained of

Messrs. BENNETT, DAWSON, & THORNHILL, 2, New-square, Lincoln's-inn;

at the place of sale; and, with orders to view, of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, 10, Waterloo-place, Pall-mall, S.W.

Somersetshire.—The Combe Hay Estate, a very valuable and desirable freehold residential property, comprising a superior mansion, with a domain of about 1,260 acres of excellent agricultural land, interspersed with extensive woodlands and plantations, forming fine game coverts, situate in a good sporting part of the county, within easy reach of the Duke of Beaufort's fox-hounds; comprising the entire parish and village of Combe Hay, a further portion of the estate being in the adjoining parish of Wellow, within only four miles of the fashionable city of Bath; also the Advowson and next Presentation to the Rectory of Combe Hay, the Manor of Combe Hay, with its rights and privileges, numerous Cottage Properties, forming the village of Combe Hay, valuable Stone Quarries, &c.; the whole producing a rental of about £1,735 per annum.

MESSRS. DANIEL SMITH, SON, & OAKLEY have been favoured with instructions to SELL the above valuable ESTATE by AUCTION, at the GUILDHALL COFFEE-HOUSE, Gresham-street, E.C., on TUESDAY, JULY 5, at TWELVE o'clock, in its entirety (unless previously disposed of by private contract). The estate consists of a mansion built of Bath freestone, quarried on the estate, in the Grecian style, after a chaste design, planned with every attention to comfort and the requirements of a moderate establishment. It is placed on a sloping lawn, in an ancient park, having bold undulations clothed with good timber, and contains a lofty and spacious entrance-hall, paved, conducting to a capital dining-room (30ft. by 22ft.), a handsome drawing-room of the same dimensions, decorated with taste, a boudoir, a breakfast-room (29ft. 6in. by 19ft. 6in.), library (19ft. 8in. by 16ft. 10in.), panelled with oak, a gentleman's room, water-closet, &c.; a corridor and vestibule, 11 principal and secondary sleeping apartments, mostly of large size, dressing-rooms, water-closets, &c., with excellent domestic offices; superior stabling, coach-houses, and offices, walled kitchen gardens, a rabbit warren, &c. Through the centre of the park flows the Come Hay river (a trout stream), convertible, at a small outlay, into an ornamental sheet of water; the whole affording delighful home scenery. The estate embraces in the whole about 1,260 acres, of which 671 acres are excellent turnip, barley, and wheat land, 416 acres sound pasture and meadow ground, divided into the following farms, with excellent homesteads:—The Home Farm, a desirable holding of 297a. 3r. 26p. of good arable and pasture land, with a comfortable farmhouse and buildings, in the occupation of Mr. W. Snook, a yearly tenant, at £300 per annum; the Week Farm, consisting of 317a. 3r. 29p., with a substantial farmhouse and buildings, let to Mr. H. Mizen on lease, expiring Lady-day, 1869, at £350 per annum; the Fosse Farm, consisting of 301a. 2r. 4p, with a newly-erected farmhouse and out-buildings, let to Mr. C. H. Pyatt on lease, expiring Michaelmas next, at £298 per annum; White Ox Mead Farm, consisting of 175a. 8r. 8p., let to Mr. James Roynon, a yearly tenant, at £250 per annum; the Underdown, a small occupation of 11a. 0r. 13p., let to Mr. Geo. Broad, at £30 per annum. There are 91 acres of woodlands and plantations (72a. 3r. 23p. of which are in hand), affording capital covert shooting and 30 acres, the mansion, grounds, and curtilage, which are in hand, together with various village properties and small occupations. There are decided indications of the coal fields of this district extending under this estate; the whole forms a most desirable opportunity either for investment or for occupation as a residence by a nobleman or gentleman of fortune.

Particulars, with a plan and view of the mansion, may be had at the place of sale; of

Messrs. ROBINSON, BARLOW, & BOWLING, 26, Essex-street, Strand, W.C.;

and of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, 10, Waterloo-place, Pall-mall, S.W.

Wiltshire.—An exceedingly valuable and choice Freehold Residential Estate, situate in the rich vale of Chippenham, known as the Lackham Estate, comprising a noble and spacious mansion called Lackham House, together with 584 acres of land, principally rich pastures, interspersed with ornamental woods and plantations, with farm-houses, and premises of a substantial character, the whole being of the value of upwards of £1,750 per annum.

MESSRS. DANIEL SMITH, SON, & OAKLEY have received instructions from the proprietor to offer the above valuable PROPERTY by AUCTION, at the Guildhall Coffee-house, Gresham-street, E.C., on TUESDAY, JULY 5th, 1864, at TWELVE o'clock, in its entirety. It comprises Lackham-house, a handsome and spacious structure, admirably built of Bath free stone, with strong slated roof, judiciously placed in a delightful situation, the principal or south front overlooking a park of about 68 acres of prolific pasture, studded with ornamental belts and plantations, approached from the road by carriage drives in good condition, with two ornamental entrance lodges, &c. The interior accommodation of the mansion is as follows:—An enclosed portico entrance or vestibule conducting to a spacious paved hall about 26ft. by 20ft., on either side of which are a capital dining-room about 26ft. by 22ft.; an elegant double drawing-room about 30ft. by 23ft. and 26ft. by 21ft., handsomely decorated; a library about 26ft. by 21ft., a magistrates' room, a billiard-room, bath-room, &c., 19 large and lofty sleeping apartments, with dressing-rooms, and spacious domestic offices: with lawns, pleasure-grounds, conservatories and vineries, walled garden, melon pits, &c.; excellent stabling for nine horses, coach-houses, and out offices, enclosed in a court-yard. The estate consists of 584a. 3r. 31p. of land divided as follows:—132a. 1r. 23p. arable, sound, and productive corn and root land; 365a. 2r. 26p. pastures, proverbially some of the most productive in the kingdom; 38a. 0r. 13p. thriving woodlands; 41a. 0r. 31p., the site of the mansion, curtilage, river, fish-pond, &c.; 7a. 2r. 18p., cottages and small occupations, farm-homesteads, &c. The portion in hand includes 186a. 3r. 8p., with an ornamental bailiff's house and good homestead. The remainder is divided into two good farms, with excellent homesteads, let to yearly Lady-day tenants. The estate is entirely freehold, and, with a trifling exception, free from great tithe. The mansion and offices are in a high state of substantial and decorative repair, the farm premises are all in first-rate order; during the period the property has been in the possession of the vendor no expense has been spared to improve it in every respect, particular attention having been paid to the drainage and other matters adding comfort to a residence. It is in the heart of the Duke of Beaufort's hunt. The river Avon, which is included in the area of the estate, bounds and intersects it for a distance of about three miles, affording excellent pike and trout fishing, and wildfowl shooting, which exclusively belongs to the estate. There is plenty of game. Taken as a whole this estate possesses peculiar advantages for a residence. It is situate in the parishes of Lacock and Corsham, about three miles from the excellent market town and first-class station of Chippenham, ten from Devizes, and twelve from Bath on the Great Western Railway, affording rapid transit to the Metropolis, and in direct communication with the principal lines of railway.

Particulars, with plan of the estate, may be had at the place of sale; of

A. MARCON, Esq., Solicitor, Swaffham, Norfolk;

and of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, No. 10, Waterloo-place, Pall-mall, S.W.

In the county of Southampton.—The Dummer Estate, an important freehold residential property, 5 miles from Basingstoke, with its good railway accommodation, 13 from the city of Winchester, and only two hours' journey from the metropolis; comprising a substantial, moderate-sized mansion, and a fine domain of nearly 1,650 acres of excellent land, in a favourite neighbourhood, with great sporting advantages.

MESSRS. DANIEL SMITH, SON, & OAKLEY have received instructions to offer for SALE by AUCTION, at the GUILDHALL COFFEE-HOUSE, Gresham-street, E.C., on TUESDAY, JULY 5, at TWELVE, the above desirable and extensive FREEHOLD ESTATE, comprising Dummer House, a most substantially-erected residence of pleasing elevation, with good stabling, coach-house, &c., approached by a carriage-drive, and overlooking its own pastures and adjoining lands, which are undulated and interspersed with thriving plantations. The domain extends over 1,646 acres of land of a most useful character, embracing nearly the whole of the parish, and of which 87 acres are woods, about 55 acres convenient pastures, and the remainder arable, which is in a high state of cultivation, and produces excellent grain and root crops. The manor of Dummer, as well as nearly the entire village, will pass with the estate. Possession of the mansion and the whole of the lands may be had if desired, and, from the size and circumstances of the farms into which the estate is divided, they will always command responsible tenants at remunerative rents. In a residential point of view, the property presents many attractions. The meets of five packs of foxhounds are within reach, and hunting on six days a week may be accomplished with short distances to cover. The partridge shooting is excellent. The neighbourhood affords first-class society, the estate is bounded for about a mile and a half by the turnpike road from Winchester to Basingstoke, and the parish roads are good. The whole unites the advantages of a sound landed investment with good residential features.

Particulars, with plan, and a view of the mansion, may be obtained of

Messrs. LAMB, BROOKS, & CHALLIS, Solicitors, Basingstoke and Odiham; of

Messrs. RAWLENCE & SQUAREY, No. 4, Victoria-street, Westminster, S.W., and Salisbury;

and of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, No. 10, Waterloo-place, Pall-mall, S.W.

North Devon.—Freehold Residence, known as Glen Burnie House, Bideford, overlooking the River Torridge, and within an easy distance of the town, bridge, and railway station of Bideford, standing in its own grounds (upwards of 9 acres), and containing spacious entrance-hall, dining, drawing, and morning-rooms, library, 8 good bed-rooms and dressing-room, capital offices, dairy, &c.; coach-house and stabling for 7 horses, farm-yard, large walled garden, green-house, and conservatory. This property has only been occupied by the owner, who built it, and it is ready for immediate occupation. Possession will be given on completion of the purchase. Also a further Plot of Meadow Land, near the above, containing 1a. 2r. 20p., and Five Cottages, with gardens, which have been occupied by the Glen Burnie servants.

MESSRS. DANIEL SMITH, SON, & OAKLEY have received instructions from the proprietor to offer the above FREEHOLD RESIDENCE, &c., for SALE by AUCTION, at the MART, near the Bank of England, on TUESDAY, the 21st day of JUNE (instead of the 24th day of May, as previously advertised), at TWELVE o'clock, in Three Lots. Particulars may be obtained of

Messrs. BIRCHAM, DALRYMPLE, DRAKE, & WARD, Solicitors, 46, Parliament-street, S.W.; of

Messrs. CHANTER & FFINCH, Solicitors, Barnstaple; of

R. H. BUSE, Esq., Solicitor, Bideford;

at the Auction Mart, E.C.; at the principal hotels in Exeter, Barnstaple, and Bideford; and of Messrs. DANIEL SMITH, SON, & OAKLEY, Land Agents and Surveyors, 10, Waterloo-place.

Freehold Residences.—North Devon.

MESSRS. DANIEL SMITH, SON, & OAKLEY have received instructions from the Proprietor to offer for SALE by AUCTION, at the MART, near the Bank of England, on TUESDAY, the 21st day of JUNE (instead of the 24th of May, at previously announced), at TWELVE o'clock, in Four Lots, the following RESIDENCES—viz., Glen Ville, situate a short distance from Bideford, and its railway-station, nearly adjoining the high road from Bideford to Northam, consisting of an elegant villa residence standing in its own grounds of 2r. 6p. The house contains a dining-room 18ft. square, drawing-room 24ft. by 18ft., and 6 good bed-rooms. It is in the occupation of a yearly tenant. Also, Glen Torr, a most cheerful and substantial villa residence, in the Italian style, overlooking, and on the banks of, the Torridge, and nicely removed from, although near to, Bideford and the railway station. It is situate on an eminence, with a southern aspect, in its own lawns and shrubberies of about 3 acres, and contains entrance-hall, with oak staircase, breakfast parlour, dining-room, drawing-room with bow windows, 6 bed-rooms, bath-room, water-closet, 5 servant's-rooms, kitchen, dairy, pantry, larder, cellars, icehouse, and every domestic convenience; four-stalled stable, coach-house, farm-yard; a plentiful supply of water; walled garden, conservatory, &c. It is well-built, and elegantly fitted throughout. Possession may be had on completion of the purchase. Also, York House, a large family residence, adjacent to the town of Bideford, enclosed in a parterre and shrubbery of half an acre; containing large dining room, drawing-room, breakfast-parlour, library, 2 kitchens, cellars, 2 water-closets, 12 bed-rooms, grapery, and large conservatory. It is admirably adapted for a large family or a boarding-school, and it is now divided into two houses. Possession of this also may be had on completion of the purchase.

Particulars may be obtained as per preceding advertisement, and, with orders to view, of Messrs. DANIEL SMITH, SON, & OAKLEY, No. 10, Waterloo-place, Pall-mall, S.W.